1077

BOX:
527

FOLDER:
4806

DESCRIPTION:
Keean, John

DATE:
07/21/93

4806

Witnesses:

Morris Curtis

Counsel, Wing & Banks

Filed 21 day of July 189[illegible]

Pleads, Not Guilty

THE PEOPLE

vs.

27 300 Bowery bookmaker

John Keegan

Grand Larceny, Degree 2

[Sections 528, 531, Penal Code.]

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

Laurence McKeever

Foreman.

Part 3 - Indictment 198

Pleads Guilty G. L. 2d deg. 14.

1 Yr Pen Pg

Aug 15 03

1079

Police Court 5 District. Affidavit—Larceny.

City and County of New York, } ss:

Dr Whitman J. White

of No. 58 East 86 Street, aged 58 years,

occupation Physician being duly sworn,

deposes and says, that on the 15 day of July 189 3 at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in the day time, the following property, viz:

Two coats, and one pocket-case containing instruments all together valued at about one hundred and thirty dollars

the property of Deponent.

and that this deponent has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen and carried away by John Doran, now here, from the fact that the said defendant went to deponents premises ring the door bell and asked the servant girl for deponent. when the defendant got into the house he asked the girl to get him a glass of water, while the girl was getting the water he the defendant took and stole the said property: and the same was found in his possession by officer Maurice Curtin of the 27th Precinct Police on the street about ~~one half three~~ three blocks from said premises, Deponent asks that said defendant be held to answer and dealt with according to law,

Whitman V. White

Sworn to before me, this 15th day of July 189 3

Police Justice.

1080

1892

CITY AND COUNTY OF NEW YORK, } ss.

POLICE COURT, 5th DISTRICT.

Maurice Curtin

of the 27th Precinct, ~~Street~~, aged 30 years,

occupation Police officer being duly sworn, deposes and says

that on the 15th day of July 1892

at the City of New York, in the County of New York, has arrested

John Keenan (now here) on 3rd avenue and 85th street and that at the time he arrested him he had in his possession the property herein described by Dr. Whitman & White,

Defendant

ask that said defendant be held to answer and dealt with according to law

Maurice L. Curtin

Sworn to before me, this 17th day of July 1892

Police Justice.

Sec. 198—200.

5 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss:

John Keean being duly examined before the undersigned according to law, on the annexed charge, and being informed that it is h right to make a statement in relation to the charge against h ; that the statement is designed to enable h if he sees fit, to answer the charge and explain the facts alleged against h ; that he is at liberty to waive making a statement, and that h waiver cannot be used against h on the trial.

Question. What is your name?

Answer. John Keean

Question. How old are you?

Answer. 27 years old

Question. Where were you born?

Answer. Troy N Y

Question. Where do you live and how long have you resided there?

Answer. 186 Bowery Three weeks

Question. What is your business or profession?

Answer. Broom maker

Question. Give any explanation you may think proper of the circumstances appearing in the testimony against you, and state any facts which you think will tend to your exculpation.

Answer. I Am Not Guilty,
John Keean

Taken before me this 17th *day of* May *1893*

Charles Corkran *Police Justice.*

1082

Police Court, 5 District. 367

THE PEOPLE, &c.,
ON THE COMPLAINT OF

1 Wm Whitmore 25 Pike St.
2 John Nolan
3
4

Offense, Larceny (felony)

Dated, July 17 1893

Feltner Magistrate.
Martin Officer.
Precinct.
Witnesses Wm Carr 25 Pike St. Street.
No. 103 East 85 Street.
Cable car driver
No. Street.
No. Street.
$300.00 to answer

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named Defendant guilty thereof, I order that he be held to answer the same, and he be admitted to bail in the sum of Three Hundred Dollars, and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

Dated, July 17 1893 Police Justice.

I have have admitted the above-named to bail to answer by the undertaking hereto annexed.

Dated, 189 Police Justice.

There being no sufficient cause to believe the within named guilty of the offense within mentioned, I order h to be discharged.

Dated, 189 Police Justice.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

John Keeam

The Grand Jury of the City and County of New York, by this indictment, accuse John Keeam

of the CRIME OF GRAND LARCENY IN THE second DEGREE, committed as follows:

The said John Keeam

late of the City of New York, in the County of New York aforesaid, on the fifteenth day of July in the year of our Lord one thousand eight hundred and ninety-three, at the City and County aforesaid, with force and arms,

two coats of the value of twenty five dollars each, one pocket case of the value of five dollars, and divers physicians instruments of a number and description to the Grand Jury aforesaid unknown, of the value of seventy five dollars

of the goods, chattels and personal property of one Whitman V. White

then and there being found, then and there feloniously did steal, take and carry away, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

SECOND COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said

John Keegan

of the CRIME OF CRIMINALLY RECEIVING STOLEN PROPERTY, committed as follows:

The said John Keegan

late of the City and County aforesaid, afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, with force and arms,

two coats of the value of twenty five dollars each, one pocket case of the value of five dollars, and divers physicians instruments of a number and description to the Grand Jury aforesaid unknown, of the value of seventy-five dollars

of the goods, chattels and personal property of one Whitman V. White

by a certain person or persons to the Grand Jury aforesaid unknown, then lately before feloniously stolen, taken and carried away from the said Whitman V. White

unlawfully and unjustly did feloniously receive and have; the said

John Keegan

then and there well knowing the said goods, chattels and personal property to have been feloniously stolen, taken and carried away, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

DE LANCEY NICOLL,
District Attorney.

1085

BOX:
527

FOLDER:
4806

DESCRIPTION:
Keller, Geary

DATE:
07/14/93

4806

Witnesses:

Mary Ford

129

Counsel,

Filed 14 day of July 189 3

Pleads, Wheatly 17

THE PEOPLE

vs.

135 Diamond Dealers

Gary Keller

Grand Larceny, Second Degree.

[Sections 528, 531, Penal Code.]

DE LANCEY NICOLL,

District Attorney.

A TRUE BILL.

De Lancey Nicoll

Foreman.

Part 2. July 26 93 -

tried and convicted

2 yrs 6 mos S.P.

July 28 93

Police Court 2 District. Affidavit—Larceny.

City and County of New York, } ss:

Mary Ford

of No. 228 West 39 Street, aged 21 years, occupation None being duly sworn, deposes and says, that on the 9 day of July 189 3 at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in the day time, the following property, viz:

Good and lawful money of the United States - of the amount of thirty seven dollars

$37 00

the property of deponent

and that this deponent has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen and carried away by Mary Keller (now here) and one other (not yet arrested), and while acting in concert with each other, from the following facts to wit: that between the hours of 5 & 6 o'clock P.M. of said date, said defendant in company with said unknown man, came into deponents apartments on the 3rd floor of the above mentioned premises - and that after entering deponents room, said defendant in company with said other man produced and showed to deponent a Pawn ticket representing a pair of diamond ear-rings, which were in Pawn, for the sum of thirty dollars - and that said defendant then offered the said Pawn ticket for sale to deponent for the sum of five dollars, and that deponent then gave the aforesaid sum of

Sworn to before me, this day of 189

Police Justice

4759

of money, to the defendant as payment for said ticket and for the purpose of redeeming the said Ear-rings, which were in Pawn - and which were represented by the said ticket which deponent had bought from defendant - and that the defendant after receiving the aforesaid property from deponent - did then and there hand over and give to said other man, the said money - and as said other man was about leaving deponents room with said property in his possession, deponent heard the defendant make the remark to said other man, at the same time raising his hand, look out for my fire untill I see you - deponent further says that said other man after receiving said money, has failed to return with the same, or with the ticket which was in his possession at the time he left deponents room, or with said Ear-rings represented by the said Pawn Ticket - deponent therefore charges the defendant with having acted in concert with each other and in having committed a Larceny and asks that he may be held and dealt with as the Law may direct -

Sworn to before me this 6 day of July 1893

Thos. F. Brady
Police Justice

Gray Ford

Sec. 198—200. 2 District Police Court. 1882

City and County of New York, ss:

Geary Keller being duly examined before the undersigned according to law, on the annexed charge; and being informed that it is h right to make a statement in relation to the charge against h; that the statement is designed to enable h, if he see fit, to answer the charge and explain the facts alleged against h; that he is at liberty to waive making a statement, and that h waiver cannot be used against h on the trial.

Question. What is your name?

Answer. Geary Keller

Question. How old are you?

Answer. 27 years

Question. Where were you born?

Answer. U.S.

Question. Where do you live, and how long have you resided there?

Answer. 136 7th Avenue 2 months

Question. What is your business or profession?

Answer. Waiter

Question. Give any explanation you may think proper of the circumstances appearing in the testimony against you, and state any facts which you think will tend to your exculpation.

Answer. I am not guilty

Geary Keller

Taken before me this 6 *day of* June 189 1

Patrick Finally *Police Justice.*

1090

Ex parte July 10th 1895
2 P.M.
Exp. cert. to July 11 at 9

Police Court--- 2 **District.**

THE PEOPLE, &c.,
ON THE COMPLAINT OF
Henry Thos
Pa. No. 30
Henry Clay

Offense Larceny

BAILED,

No. 1, by .....
Residence ..... Street.

No. 2, by .....
Residence ..... Street.

No. 3, by .....
Residence ..... Street.

No. 4, by .....
Residence ..... Street.

Dated, 189 3

Magistrate.
Officer.
Precinct.

Witnesses,
No. Officer Street.
No. ..... Street.
No. ..... Street.
§ 1000 to answer

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named Defendant

guilty thereof, I order that he be held to answer the same, and he be admitted to bail in the sum of Five *Hundred Dollars,* ..... *and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.*

Dated, ... *189* 3 ..... *Police Justice.*

I have admitted the above-named .....
to bail to answer by the undertaking hereto annexed.

Dated, ... *189* ..... *Police Justice.*

There being no sufficient cause to believe the within named .....
..... *guilty of the offense within mentioned, I order h to be discharged.*

Dated, ... *189* ..... *Police Justice.*

1881

VI.

July 1893

STATE OF NEW YORK.
Executive Chamber,
ALBANY.

June 7, 1894

Sir:

Application for Executive clemency having been made on behalf of Geary Keller who was convicted of gr. larceny 2° in the county of New York and sentenced July 28, 1893 to imprisonment in the State Prison for the term of two years & six months I am directed by the Governor respectfully to request that, in pursuance of Section 695 of the Code of Criminal Procedure, you will forward to him a concise statement of the facts of the case, together with your opinion of the merits of the application.

It is particularly requested that each letter of inquiry from the Executive Chamber should be separately answered.

Very respectfully yours,

T. S. Williams,
Private Secretary.

Hon. John R. Fellows
District Attorney
New York City.

Keller

2601

Court of General Sessions of the Peace .

City and county of New York.

The People vs. Geary Keller	Before Hon. Frederick Smyth and a jury.

Tried July 25th, 1893 .

Indicted for Grand Larceny in the second degree .

Indictment filed July 14, 1893 .

A P P E A R A N C E S .

Assistant District Attorney Thomas Bradley

For the people.

Mr.

For the defence .

M A R Y F O R D called by the people being duly sworn testified that she lived at 228 West 39th street, New York; that her husband supports her and that she is a housekeeper. Saw defendant for the first time about

a week before the commission of the crime. On the 5th of July defendant between four and five o'clock came to complainant 's house. He knocked at the door and complainant let himin and he sat down. Complainant said "What is it?" He said "I came here to see if you wanted any more tickets for a ring and diamond earrings. Complainant said "I don't think so, but I might buy some later on." He said "I have got a ticket for a pair of nice diamond earrings." Complainant said "I don't think I want any to-day". Then defendant talked complainant into buying the ticket from him. He said "I will give guarantics that they are very nice, and that you will do me a favor to buy them". Complainant was sitting at the table writing, and waited for awhile before she said anything. Then complainant said "Let me see the ticket." and he showed it to her. Complainant said "I can't put my shoeson to-day; my shoes hurt me, and I don't want to buy them until I see them." So there was another gentleman who came with him, and he said "Why don't you let him go and buy them." Complainant said "I don't know him any more than you". Defendant said "Let George go for them and I will stay

here and be responsible until he comes back." Complain ant then said "All right.", and counted out to the defen dant five dollars for the ticket and $30 to take the ear rings out and two dollars for interest. He counted it and sent his friend after them. When his friend went out of doors he held up his hand back of complainant to his friend, and defendant said "Look out for my five dollars until I see you." His friend George did not say any thing but walked out. He waited there until about seven o'clock, and never "showed up". Defendant said "I guess I will have to go." Complainant said "You can not go because I will have you arrested." Defendant said "You can't arrest me." Complainant said "There's no good making light about it; I am going to have you arrested." Complainant let a friend of her's in the room and he locked the door, and complainant went to the 37th st. station house, and had defendant arrested. Complain- ant was in the station house when they searched the defendant, and saw nine other pawn ticket s in his pos session. About a week before the crime complainant met defendant in a concert garden in 8th avenue between 24th and 25th streets. Defendant was there with two other men one of whom complainant knew as a waiter at

111 West 21st street where she went sometimes to get dinner, and the other was a bar tender . Defendant on that night at that place sold her a pawn ticket for a diamond ring. Defendant did not tell complainant where he got the tickets when he sold them, and never met him before in her life except at the 8th avenue place .

In cross examination defendant testified that she was with defendant in the 8th avenue garden about 15 minutes, and he sold her the $13 ticket for $1.50 for a ring in a pawnshop at 9th avenue between 35th and 36th streets. Complainant got the ring out of pawn with the ticket, and supposes it was worth $9; she didn't know much about jewelry. Complainant did not send for defendant on the day when the crime was committed, and did not tell one of her friends so. She asked him if he had seen a young man who went with her named John. The man George referred to was a waiter at 111 West 21st street. Complainant saw the waiter referred to several times, as she went to dinner at that saloon several times . Complainant never spoke to him but had seen him from being waited on, and complainant recognized George when he came with the defendant. The defendant

at that time asked complainant if she would not go and get the earrings out herself; and complainant told him she could not get her shoeson, and she was not feeling well. Besides George and the complainant there was another man in the room with complainant at the time defendant called. The man referred to was a stranger to defendant, and he was waiting there for a woman who lived in the house back. Defendant suggested that George should go with the ticket, but complainant said she didn't know him any more than she knew the defendant. Complainant did not give her money to George. Defendant said "Let George go; I will stay here and be responsible until he comes back." Then complainant said all right. Defendant did not say then that he had no money in his pocket, but would make it good if George did not come back. Then complainant counted the money out to defendant, and he passed it over to George, and as George was passing out he said "Look out for my five dollars." until I see you." Complainant don't know what he meant when he admonished his friend. Complainant has not seen George since that time. This occurred between five and six o'clock, and at about nine o'clock the detective came in. Defendant went to the station

house about quarter after 8 o'clock, and in the mean time defendant had the man locked up in her room. The man who was guarding the defendant in the room was named Al Hulse. The man who was in the room at the time was not this man but he was named Ruch, who in the mean time had gone out to supper . Complainant would not let him out of the room after he said he would be responsible until the otherman George returned, and he could not have gone out . If he had attempted to go the complainant would have locked the door and rung the bell for the proprietor, and told him not to let the defendant out. This gentleman friend Ruch was there until another gentleman friend named Hulse came, and told both of them not to let defendant out of the room until she returned from the station house . They said all right. and complainant locked the door, complained at the station house, and they sent around the two detectives, Hay and Kellog. The defendant did not say that he expected the man back and complainant would get her money. Afterwards defendant's wife came to complainant and said she would make it good. The defendant did not offer to make it good. Defendant's counsel at the court didn't

make the offer to make it good to complainant but to the judge sitting in the court. The judge refused to receive it, but said that complainant was entitled to the money and that he would hold the accused . Before the defendant had asked complainant to go out and get the diamond ear rings he had been in the room with complainant from about 20 minutes of four o'clock, about an hour or three-quarters. At the time complainant had not her shoes on as her feet were sore, and she was sitting at a table writing. Don't know whether the defendant is acquainted with the man who lives in the back of complainant's room or not .

P A T R I C K C U R R Y called by the people being duly sworn testified that he was a police officer connected with the 20th precinct; that he made the arrest of the defendant on the complaint of the complainant on the 5th of July at nine o'clock in the evening . That complainant made the same statement then as she has now on the stand . Defendant stated at the time that he was acting in good faith and that he expected his friend

back with the diamond ear rings. Witness questioned him in relation to the pawn tickets which were found on him, and he said he made a practice of buying stuff at sales, then pawning it and selling the pawn tickets afterwards. Witness got the ticket in his possession dated April 7th calling for a ring valued 50 cents. Defendant told witness that the man na ed George was George Love, and where he was likely to be found. That the witness went there and found him. Heard complainant say in defendant's presence at the police court that defendant put up his hand to the other man , and said "Look out for my five dollars until I see you again!" Don't know what answer defendant made to that .

In cross examination witness testified that defendant said George Love could be found at 138 Seventh avenue. Witness went there and to two or three other places to find George. Don't know anything about him now.

(Take in cross examination).

V20-95

FOR THE DEFENCE, MARY KELLER, THE DEFENDANT,

JACOB POHS,

MICHEL PAICE,

NATHAN FRANK,

[illegible]

FLORENCE KELLER, [illegible]

IN [illegible]SPITAL, [illegible] H. WEAVER, [illegible]

THE DEFENDANT, [illegible]

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Geary Keller

The Grand Jury of the City and County of New York, by this indictment, accuse Geary Keller of the CRIME OF GRAND LARCENY IN THE second DEGREE, committed as follows:

The said Geary Keller

late of the City of New York, in the County of New York aforesaid, on the fifth day of July in the year of our Lord one thousand eight hundred and ninety-three, at the City and County aforesaid, with force and arms,

the sum of thirty seven dollars in money, lawful money of the United States of America, and of the value of thirty seven dollars

of the goods, chattels and personal property of one May Ford

then and there being found, then and there feloniously did steal, take and carry away, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

Second COUNT—

AND THE GRAND JURY AFORESAID, by this indictment, further accuse the said Geary Keller of the same CRIME OF ~~Grand~~ LARCENY, in the second degree, committed as follows:

The said Geary Keller

late of the City of New York, in the County of New York aforesaid, on the Fifth day of July in the year of our Lord one thousand eight hundred and ninety-three, at the City and County aforesaid, being then and there the bailee of one May Ford —

and as such bailee then and there having in his possession, custody and control certain goods, chattels and personal property of the said

— May Ford —

the true owner thereof, to wit:

the sum of thirty seven dollars in money, lawful money of the United States of America, and of the value of thirty seven dollars

did afterwards, to wit: on the day and in the year aforesaid, at the City and County aforesaid, with force and arms, feloniously appropriate the said the sum of money to his own use, with intent to deprive and defraud the said May Ford of the same, and of the use and benefit thereof; and the same goods, chattels and personal property of the said May Ford

did then and there and thereby feloniously steal, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

DE LANCEY NICOLL,
District Attorney.

1109

BOX:
527

FOLDER:
4806

DESCRIPTION:
Kelley, William

DATE:
07/06/93

4806

1110

BOX:
527

FOLDER:
4806

DESCRIPTION:
Ryan, William

DATE:
07/06/93

4806

BOX:
527
FOLDER:
4806
DESCRIPTION:
Madden, James
DATE:
07/06/93

4806

27 #705

Witnesses:

Jacob Weisberg

Officer Feeney

Counsel,

Filed 6 day of July 189 3

Pleads, Guilty

14 guilty

THE PEOPLE

vs.

William Kelley,

William Ryan,

14 and 2 guilty

James Madden

N.D

Grand Larceny, Degree.
(From the Person.)
[Sections 528, 529, Penal Code.]

DE LANCEY NICOLL,
District Attorney.

A TRUE BILL.

A Lawrence McKeever
July 17/93
Foreman.

All plead G. S. 2 deg

No 1 S.P. 2 1/2 years
No 2 Pen one year
No 3 S P 2 1/2 years.

2111

1113

1912

Police Court— 1 District.

Affidavit—Larceny.

City and County of New York, } ss.

Jacob Weisberg

of No. 403 East 2nd Street, aged 17 years, occupation Jewelry boy, being duly sworn, deposes and says, that on the 29th day of June 189 7 at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in the night time, the following property, viz:

Money of the value of Twenty six Cents

Sworn to before me, this 29 day of June 189 7

Police Justice.

the property of deponent

and that this deponent has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen and carried away by William Kelly, William Ryan and James Madden facts from the facts that while deponent was at the pier at Rose Street and North River he was accosted by someone searching his pockets and that he then recognized the defendants standing near him and then missed his money

Jacob Weisberg

1114

4771

AFFIDAVIT FOR COMMITMENT OF WITNESS.

POLICE COURT ..... DISTRICT.

CITY AND COUNTY OF NEW YORK, } ss.

Michael Tierney

of the 2 Precinct Police, being duly sworn, deposes and says that Jacob Wexberg (now here) is a material witness for the people against Wm Kelly, Wm Ryan, Jas Madden charged with Grand Larceny. As deponent has cause to fear that the said Jacob Wexberg will not appear in court to testify when wanted, deponent prays that the said Jacob Wexberg be committed to the House of Detention in default of bail for his appearance.

Michael H. Tierney

Sworn to before me, this ..... day of ..... 189..

..... Police Justice.

Sec. 198—200. 1882 1 District Police Court.

City and County of New York, ss:

James Madden being duly examined before the undersigned according to law, on the annexed charge; and being informed that it is his right to make a statement in relation to the charge against him; that the statement is designed to enable him, if he see fit, to answer the charge and explain the facts alleged against him; that he is at liberty to waive making a statement, and that his waiver cannot be used against him ~~on the trial.~~

Question. What is your name?

Answer. James Madden

Question. How old are you?

Answer. 22 years

Question. Where were you born?

Answer. NY

Question. Where do you live, and how long have you resided there?

Answer. 9 Delancey St.

Question. What is your business or profession?

Answer. Bill Poster.

Question. Give any explanation you may think proper of the circumstances appearing in the testimony against you, and state any facts which you think will tend to your exculpation.

Answer. I am not guilty
James Madden

Taken before me this 26 day of [illegible] 1882

[illegible] Police Justice.

1116

Sec. 198—200. 1882

1 District Police Court.

City and County of New York, ss:

William Ryan being duly examined before the undersigned according to law, on the annexed charge; and being informed that it is his right to make a statement in relation to the charge against him; that the statement is designed to enable him, if he see fit, to answer the charge and explain the facts alleged against him; that he is at liberty to waive making a statement, and that his waiver cannot be used against him on the trial.

Question. What is your name?

Answer. William Ryan

Question. How old are you?

Answer. 19 years

Question. Where were you born?

Answer. US

Question. Where do you live, and how long have you resided there?

Answer. 9 Rivington St.

Question. What is your business or profession?

Answer. Laborer

Question. Give any explanation you may think proper of the circumstances appearing in the testimony against you, and state any facts which you think will tend to your exculpation.

Answer. I am not guilty

Wm Ryan

Taken before me this 29 *day of* December *1882*

[illegible] *Police Justice.*

1117

Sec. 198—200.

1882

1 District Police Court.

City and County of New York, ss:

William Kelly being duly examined before the undersigned according to law, on the annexed charge; and being informed that it is his right to make a statement in relation to the charge against him; that the statement is designed to enable him, if he see fit, to answer the charge and explain the facts alleged against him; that he is at liberty to waive making a statement, and that his waiver cannot be used against him on the trial.

Question. What is your name?

Answer. William Kelly

Question. How old are you?

Answer. 19 years

Question. Where were you born?

Answer. US

Question. Where do you live, and how long have you resided there?

Answer. 9 Allen St.

Question. What is your business or profession?

Answer. Laborer

Question. Give any explanation you may think proper of the circumstances appearing in the testimony against you, and state any facts which you think will tend to your exculpation.

Answer. I am not guilty

William Kelley

Taken before me this 29 day of Dec 1882

Police Justice.

1118

Police Court 1 District.

THE PEOPLE, &c.,
ON THE COMPLAINT OF
vs.
Offense

BAILED,

No. 1, by ..... Residence ..... Street.

No. 2, by ..... Residence ..... Street.

No. 3, by ..... Residence ..... Street.

No. 4, by ..... Residence ..... Street.

Dated, ... 189

Magistrate.

Officer.

Precinct.

Witnesses, No. ..... Street.

No. ..... Street.

No. ..... Street.

$ ..... to answer.

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named .....

guilty thereof, I order that he be held to answer the same, and he be admitted to bail in the sum of ..... Hundred Dollars, ... and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.

Dated, ... 189 ..... Police Justice.

I have admitted the above-named .....

to bail to answer by the undertaking hereto annexed.

Dated, ... 189 ..... Police Justice.

There being no sufficient cause to believe the within named .....

..... guilty of the offense within mentioned, I order h to be discharged.

Dated, ... 189 ..... Police Justice.

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

William Kelly, William Ryan and James Madden

The Grand Jury of the City and County of New York, by this indictment, accuse William Kelly, William Ryan and James Madden of the CRIME OF GRAND LARCENY in the ~~second~~ degree, committed as follows:

The said William Kelly, William Ryan and James Madden, all late of the City of New York, in the County of New York aforesaid, on the twenty-ninth day of June in the year of our Lord one thousand eight hundred and ninety-three, in the night-time of the said day, at the City and County aforesaid, with force and arms,

one silver coin of the United States of America, of the kind called quarter dollars, and of the value of twenty five cents, two silver coins of the kind called dimes, of the value of ten cents each, five nickel coins of the kind called five cent pieces, of the value of five cents each, six coins of the kind called cents of the value of one cent each,

of the goods, chattels and personal property of one Jacob Weisberg on the person of the said Jacob Weisberg then and there being found, from the person of the said Jacob Weisberg then and there feloniously did steal, take and carry away, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

De Lancey Nicoll,
District Attorney

1120

BOX:
527

FOLDER:
4806

DESCRIPTION:
Kenneally, William

DATE:
07/21/93

4806

1121

BOX:
527

FOLDER:
4806

DESCRIPTION:
Kenneally, William

DATE:
07/21/93

4806

Witnesses:

Michael J. McMann
appeared

I have talked with the Complainant in this case and find that - The Defendant was under the Influence of Liquor at the time - The Defendant took the Complaining Witness home and he is married and has since been living industriously - I therefore recommend the discharge of Defendant upon his own Recognizance

Feb 8th 94.

Robert Emmet
Assistant D.A.

178

Indictment

Counsel,

Filed 25 day of July 3 189

Pleads, Not guilty Jany 15/94

THE PEOPLE

vs.

William Kennedy

Grand Larceny, second Degree.
(From the Person.)
[Sections 528, 531, Penal Code.]

DE LANCEY NICOLL,
District Attorney.

A TRUE BILL.

J. Lawrence McKeever

Foreman.

Paid B. March 8/94

Bail discharged

2211

1123

1912

Police Court—Fourth District. Affidavit—Larceny.

City and County of New York, } ss.

Nora Dymes

of No. 613 East 16 Street, aged 16 years,

occupation School Girl being duly sworn,

deposes and says, that on the 17 day of July 1893 at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession ~~owner~~ person of deponent, in the day time, the following property, viz:

One can containing milk of the value together of about twenty five cents

Sworn to before me, this 17 day of July 1893

Police Justice.

the property of deponent

and that this deponent has a probable cause to suspect and does suspect, that the said property was feloniously taken, stolen and carried away by William Kennelly, now here, for the following reasons: That deponent was on East 16th Street and coming from the store with the said can of milk in her hand. That the defendant came up to deponent and took the said can out of deponent's hand. Wherefore deponent prays that the defendant be dealt with as the law directs

Nora Dymes.

Sec. 198—200.

4 District Police Court.

CITY AND COUNTY OF NEW YORK } ss:

William Kennelly being duly examined before the undersigned according to law, on the annexed charge, and being informed that it is h right to make a statement in relation to the charge against h; that the statement is designed to enable h if he sees fit, to answer the charge and explain the facts alleged against h; that he is at liberty to waive making a statement, and that h waiver cannot be used against h on the trial.

Question. What is your name?

Answer. William Kennelly

Question. How old are you?

Answer. 31 years

Question. Where were you born?

Answer New York City

Question. Where do you live and how long have you resided there?

Answer. W 655 East 16 St 5 years

Question. What is your business or profession?

Answer. Boiler maker

Question. Give any explanation you may think proper of the circumstances appearing in the testimony against you, and state any facts which you think will tend to your exculpation.

Answer. I am not guilty

Wm Kennelly

Taken before me this 18 *day of* 189

Police Justice.

1.125

765

Police Court--- 4 **District.**

THE PEOPLE, &c.,

ON THE COMPLAINT OF

1. Wm Lynes
2. 1013 8th
3. Michael
4. B

Offense Larceny from the person

Dated, April 18 189 3

Magistrate.

Officer.

Precinct.

BAILED,

No. 1, by Robert Moffett

Residence 417 E 24th Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Witnesses

No. Street.

No. Street.

No. Street.

Lees to answer

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named Defendant *guilty thereof, I order that he be held to answer the same, and he be admitted to bail in the sum of* Ten *Hundred Dollars,* — *and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.*

Dated, July 1 *189* *Police Justice.*

I have admitted the above-named *to bail to answer by the undertaking hereto annexed.*

Dated, *189* *Police Justice.*

There being no sufficient cause to believe the within named *guilty of the offense within mentioned, I order h to be discharged.*

Dated, *189* *Police Justice.*

1881

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

William Kennedy

The Grand Jury of the City and County of New York, by this indictment, accuse William Kennedy of the CRIME OF GRAND LARCENY in the second degree, committed as follows:

The said William Kennedy

late of the City of New York, in the County of New York aforesaid, on the seventeenth day of July in the year of our Lord one thousand eight hundred and ninety-three, in the day time of the said day, at the City and County aforesaid, with force and arms,

one can of the value of fifteen cents and three quarts of milk of the value of five cents each quart

of the goods, chattels and personal property of one Nora Byrnes on the person of the said Nora Byrnes then and there being found, from the person of the said Nora Byrnes then and there feloniously did steal, take and carry away, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

De Lancey Nicoll,
District Attorney

1127

BOX:
527

FOLDER:
4806

DESCRIPTION:
Kennedy, William

DATE:
07/12/93

4806

Witnesses:

Officer John Farrington

89 X

Counsel,

Filed 12 day of July 189 3

Pleads,

THE PEOPLE

vs.

William Kennedy

Grand Larceny, 2d Degree.
(From the Person.)
[Sections 528, 530, Penal Code.]

DE LANCEY NICOLL,
District Attorney.

A TRUE BILL.

Lawrence McKeever
July 13/93

Foreman.

Theadr G. Lodge

S. P. 2½ yrs.

8211

1129

1912

Police Court— 1 District.

Affidavit—Larceny.

City and County of New York, } ss.

Louis Bernard of No. 128 Park Row Street, aged 50 years, occupation Patent Light Letter being duly sworn, deposes and says, that on the 8 day of July 1893 at the City of New York, in the County of New York, was feloniously taken, stolen and carried away from the possession of deponent, in the ~~day~~ night time, the following property, viz:

and person

Three dollars good and lawful money of the United States

the property of Deponent

and that this deponent has a probable cause to suspect and does suspect, that the said property was feloniously taken, stolen and carried away by William Kennedy (now here) for the reason that on said date while deponent was standing in Doane Street with the said money in his hand, defendant grabbed said money from his hand and ran away. Deponent is informed by John H. Springer of the 5th Precinct that defendant admitted to him that he took defendants money. Deponent charges defendant with larceny from the person.

Louis Bernard

Sworn to before me this 9 day of July 1893

Police Justice.

1921

CITY AND COUNTY OF NEW YORK, } ss.

John Farrington

aged 42 years, occupation Policeman of No. 6th Precinct Street, being duly sworn, deposes and says, that he has heard read the foregoing affidavit of Louis Rimard and that the facts stated therein on information of deponent are true of deponent's own knowledge.

Sworn to before me, this 9 *day of* July 189 2 } John Farrington

[illegible] *Police Justice.*

1131

Sec. 198—200.

1882

District Police Court.

City and County of New York, ss:

William Kennedy being duly examined before the undersigned according to law, on the annexed charge; and being informed that it is his right to make a statement in relation to the charge against him; that the statement is designed to enable him, if he see fit, to answer the charge and explain the facts alleged against him; that he is at liberty to waive making a statement, and that his waiver cannot be used against him on the trial.

Question. What is your name?

Answer. William Kennedy

Question. How old are you?

Answer. 19 years

Question. Where were you born?

Answer. U. S.

Question. Where do you live, and how long have you resided there?

Answer. 381 Warren Street. Brooklyn 2 Years

Question. What is your business or profession?

Answer. Showmaker

Question. Give any explanation you may think proper of the circumstances appearing in the testimony against you, and state any facts which you think will tend to your exculpation.

Answer. I am not guilty.

his William X Kennedy mark

Taken before me this 9 *day of* March 1882

[illegible]

Police Justice.

1132

783 — 537 1894

Police Court 1 **District.**

THE PEOPLE, &c.,
ON THE COMPLAINT OF
1 Lewis Bernstein 128 Ludlow
2 William Kennedy
3
4

Offense Larceny from the Person

Dated, July 9 1893

Magistrate.

Officer.

Precinct.

Witnesses John Harrington
No. 67 Eldridge Street.

No. Street.

No. Street.

$ 1000 to answer

BAILED,

No. 1, by Street.

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named Defendant *guilty thereof, I order that he be held to answer the same, and he be admitted to bail in the sum of* One *Hundred Dollars,* *and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.*

Dated, July 9 *189* 3 *Police Justice.*

I have admitted the above-named *to bail to answer by the undertaking hereto annexed.*

Dated, *189* *Police Justice.*

There being no sufficient cause to believe the within named *guilty of the offense within mentioned, I order h to be discharged.*

Dated, *189* *Police Justice.*

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

William Kennedy

The Grand Jury of the City and County of New York, by this indictment, accuse William Kennedy of the CRIME OF GRAND LARCENY in the First degree, committed as follows:

The said William Kennedy, late of the City of New York, in the County of New York aforesaid, on the eighth day of July in the year of our Lord one thousand eight hundred and ninety-three, in the night time of the said day, at the City and County aforesaid, with force and arms,

the sum of three dollars in money, lawful money of the United States of America and of the value of three dollars

of the goods, chattels and personal property of one Louis Bernard, on the person of the said Louis Bernard then and there being found, from the person of the said Louis Bernard then and there feloniously did steal, take and carry away, against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

De Lancey Nicoll,
District Attorney.

1134

BOX:
527

FOLDER:
4806

DESCRIPTION:
Kenny, Joseph

DATE:
07/12/93

4806

Witnesses:

Wm Kellmeyer

13

Counsel,

Filed 12 day of July 189

Pleads,

THE PEOPLE

vs.

Joseph Kenny

Robbery, 1st Degree.
(Sections 224 and 229, Penal Code.)

DE LANCEY NICOLL,
District Attorney.

A TRUE BILL.

Maurice McKewes
July 15/93 *Foreman.*

Thos. Libby 2 day

Elmira July 20/93

5611

Police Court— 2 District.

CITY AND COUNTY OF NEW YORK, } ss

William Kilmeyer

of No. 26 Water ~~Street~~ ~~Baptistm~~ S. S. ~~Street~~, Aged 43 Years

Occupation Saloon Keeper being duly sworn, deposes and says, that on the 9 day of June 1873, at the 8 Ward of the City of New York, in the County of New York, was feloniously taken, stolen, and carried away, from the person of deponent by force and violence, without his consent and against his will, the following property, viz:

One Gold Watch and Chain and Locket attached

of the value of Seventy five DOLLARS,

the property of deponent

and that this deponent has a probable cause to suspect, and does suspect, that the said property was feloniously taken, stolen, and carried away, by force and violence as aforesaid by

Joseph Kenny (workman) from the fact that on said date at about the hour of about 4½ P.M. deponent was walking through Canal Street going over when the said defendant seized deponent violently by the neck throwing deponent down on the Street and while deponent was down the said defendant forcibly removed the said Watch from the lower left hand pocket of the Vest then and there worn on deponents person and also said Chain and Locket attached thereto. Wherefore deponent

Sworn to before me, this day of 188 .

Police Justice.

Police Court, ... District.

THE PEOPLE, &c.,
on the complaint of

.....

vs.

1 .....
2 .....
3 .....
4 .....

Offence—ROBBERY.

Dated 188

..... Magistrate.

..... Officer.

..... Clerk.

Witnesses, ...

No. ..... Street,

No. ..... Street,

No. ..... Street,

$ ..... to answer General Sessions.

.....

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named .....

guilty thereof, I order that he be held to answer the same and he be admitted to bail in the sum of ..... *Hundred Dollars* ..... *and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.*

Dated ..... 188 . ..... *Police Justice.*

I have admitted the above named .....
to bail to answer by the undertaking hereto annexed.

Dated ..... 188 . ..... *Police Justice.*

There being no sufficient cause to believe the within named .....
..... *guilty of the offence within mentioned, I order h to be discharged.*

Dated ..... 188 . ..... *Police Justice.*

Charge the said defendant with having taken this course during the pressure of business and depression made this was medium and depression made the time [illegible] the defendant may be dealt with as the law directs

Dim Stephen on the } Mr. Mr. Thompson
for Day 9 July 1898

W. P. Kelly
Complainant

Sec. 193—200.

2 District Police Court.

CITY AND COUNTY OF NEW YORK, } ss.

Joseph Kenny being duly examined before the undersigned according to law, on the annexed charge; and being informed that it is h right to make a statement in relation to the charge against h ; that the statement is designed to enable h if he see fit to answer the charge and explain the facts alleged against h that he is at liberty to waive making a statement, and that h waiver cannot be used against h on the trial.

Question. What is your name?

Answer. Joseph Kenny

Question. How old are you?

Answer. 20 years

Question. Where were you born?

Answer. U S

Question. Where do you live, and how long have you resided there?

Answer. 290 Spring St 11 yrs

Question. What is your business or profession?

Answer. Truck Driver

Question. Give any explanation you may think proper of the circumstances appearing in the testimony against you, and state any facts which you think will tend to your exculpation?

Answer. I am not guilty

Jos Kenny

Taken before me this 1 *day of* 188 5

Police Justice.

1139

730

Police Court 3 **District.**

THE PEOPLE, &c.,

ON THE COMPLAINT OF

1. William Kellum 26 Water St. Stopped at Joseph Vernon
2.
3.
4.

Offense Robbery

Dated July 1 189 3

Brady Magistrate.

Brown & Clarke Officer.

8 Precinct.

Witnesses

No. Street.

No. Street.

No. Street.

No. Street.

$ 1500, to answer

Fined July 10, 1893.

BAILED,

No. 1, by

Residence Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named Defendant *guilty thereof, I order that he be held to answer the same, and he be admitted to bail in the sum of* Fifteen *Hundred Dollars,* and *be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.*

Dated, July 1 *189*3 *Police Justice.*

I have admitted the above-named *to bail to answer by the undertaking hereto annexed.*

Dated, *189* *Police Justice.*

There being no sufficient cause to believe the within named *guilty of the offense within mentioned, I order h to be discharged.*

Dated, *189* *Police Justice.*

1881

Court of General Sessions of the Peace

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE OF THE STATE OF NEW YORK

against

Joseph Kenny

The Grand Jury of the City and County of New York, by this indictment, accuse Joseph Kenny of the CRIME OF ROBBERY in the second degree, committed as follows:

The said Joseph Kenny, late of the City of New York, in the County of New York aforesaid, on the ninth day of June, in the year of our Lord one thousand eight hundred and ninety-three, in the day-time of the said day, at the City and County aforesaid, with force and arms, in and upon one William Killmeyer in the peace of the said People then and there being, feloniously did make an assault; and one watch of the value of thirty five dollars, one chain of the value of twenty dollars and one locket of the value of twenty dollars,

of the goods, chattels and personal property of the said William Killmeyer from the person of the said William Killmeyer against the will and by violence to the person of the said William Killmeyer then and there violently and feloniously did rob, steal, take and carry away,

against the form of the statute in such case made and provided, and against the peace of the People of the State of New York and their dignity.

De Lancey Nicoll,
District Attorney.

1141

BOX:
527

FOLDER:
4806

DESCRIPTION:
Koschnofsky, Fanny

DATE:
07/18/93

4806

Witnesses:

Morris Rehman

This case is now 5 years old a civil action was brought and could not be maintained and no criminal conviction can be had. I recommend discharge of Defendants Bail

Robert Jennings
Asst Dist Atty

Dec 7/98 m.
June 9/99
Pt I.

360

Counsel, H. L. Roth
401 Bway

Filed 18 day of July 1893

Pleads Not guilty 19

THE PEOPLE

vs.

B

Fanny Koschnofsky

Perjury
Section 96, Penal Code

June 9/99
Bail Discharged

DE LANCEY NICOLL
District Attorney.

~~Dec 1/98~~
~~Bail Discharged~~

A TRUE BILL.

~~James McKeen~~

Foreman.

~~Discharged on~~
~~Witness Order~~
~~motion of D.A.~~
~~Dec 8/98 Bail Dis'd~~

CITY COURT OF NEW YORK.

FANNY KOSCHNOFSKY -against- MORRIS BEHRMAN.	SUMMONS.

To the above named defendant:

You are hereby summoned to answer the Complaint in this action and to serve a copy of your answer on the plaintiff's attorney within six days after the service of this summons, exclusive of the day of service, and, in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated, New York, April 3rd, 1893.

Isaac M. Aaron,
Plaintiff's Attorney,
Office & Post Office Address,
1515 First Avenue,
New York City.

City and County of New York, ss.:

An information having been made before Clarence W. Meade, a Police Justice of the City of New York, charging Meyer Jackson, defendant with the offence of perjury, and he having been brought before said justice for an examination of such charge, and it having been made appear to the satisfaction of said justice that the said examination should be adjourned to some other day, and the hearing thereof having been adjourned, we, Meyer Jackson, defendant, of No. 332 East 78th Street, by occupation a physician, and Charles Jacobsen, of No. 312 East 78th Street, by occupation a retired surety, hereby jointly and severally undertake that the above named Meyer Jackson, defendant, shall personally appear before the said Justice at the First District Police Court in the City of New York during the said exmination, or that we will pay the people of the State of New York the sum of One Thousand (1000) Dollars.

Taken and acknowledged before me : Meyer Jackson
this 10th day of July, 1893. : Charles Jacobson

C. W. Meade,

Police Justice.

City and County of New York, ss.:

Charles Jacobsen, the within named bail and surety, being duly sworn, says: that he is a resident and freeholder within the City, County and State of New York, and is worth Four Thousand (4000) Dollars exclusiveof property exempt from execution and over and above the amount of all his debts and liabilities. That his property consists of house and lot 29 Hester Street, of the full value of Ten Thousand (10,000) Dollars over all debts and encumbrances.

Sworn to before me this :
10th day of July, 1893. : Charles Jacobsen

C. W. Meade,

Police Justice.

Police Court, District.

City and County of New York, ss.:

In the name of the People of the City of New York to the Sheriff of the County of New York, or any Marshall or Police of the City of New York, GREETING:

Whereas, a complaint in writing and bound oath has been made before the undersigned, one of the Police Justices of the City of New York, by Morris Behrman, of No. 106 Eldridge Street, that on the 3rd day of July, 1893, in the City of New York, in the County of New York, Meyer Jackson did wilfully and corruptly suborn one Fanny Koschnofsky to commit through his subornation and procurement to commit wilful and corrupt perjury against said Morris Behrman;

Wherefore, the said complainant has prayed that the said defendant may be apprehended and bound to answer said complaint. These are, therefore, in the name of the People of the City of New York in you, the said Sheriff, Marshalls and Policemen and each and every of you to apprehend the said defendant and bring him forthwith before me at the First District Police Court in said City, or, in case of my inability to act, before the nearest or most accessible Police Justice in this City to answer said charge and to be dealt with according to law. Dated at the City of New York, the 7th day of July, 1893.

C. W. Meade,

Police Justice.

COURT OF GENERAL SESSIONS OF THE PEACE

OF THE CITY AND COUNTY OF NEW YORK.

People of the State of New York,

-against-

Fanny Koschnofsky

The GRAND JURY of the City and County of New York, by this Indictment, accuse Fanny Koschnofsky of the crime of Perjury, committed as follows:

That the said Fanny Koschnofsky, late of the City of New York, of the County of New York, as aforesaid on the 3rd day of April in the year of our Lord, one thousand, eight hundred and ninety-three, at the City and County aforesaid, did personally go and appear before one Simon I. Kopelman, then being one of the Commissioners of Deeds in and for the said City and County of New York, and did then and there produce and exhibit to the said Simon I. Kopelman, such Commissioner of Deeds as aforesaid, the complaint in writing of her, the said Fanny Koschnofsky and and for the purposes of a certain action for damages for a breach of contract to marry then about to be commenced by her as plaintiff in the City Court of New York against one Morris Behrman, defendant.

And the said Fanny Koschnofsky was then and there in due form of law sworn and did take her corporal oath by and before the said Simon I. Kopelman, concerning the truth of the matters contained in the said complaint in writing, he the said Simon I. Kopelman, as such Com-

missioner of Deeds as aforesaid, then and there having full and competent power and authority to administer the said oath to her and the said Fanny Koschnofsky in that behalf.

And the said Fanny Koschnofsky being so sworn as aforesaid, then and there, upon her oath aforesaid, before the said Simon I. Kopelman as Commissionerof Deeds as aforesaid, feloniously, wilfully and knowingly and corruptly in and by her said complaint in writing, did falsely swear, depose and say, amongst other things, in substance and to the effect following, that is to say:

That on or about the 5th day of August, 1891, she, the said Fanny Koschnofsky, became acquainted with the said Morris Behrman, and that thereafter, he, the said Morris Behrman, visited her several times and paid marked attention to her, and that, on or about the 3rd day of September, 1891, the said Morris Behrman proposed marriage to her, which proposition was favorably received by her; that thereafter, and on or about the 10th day of September, 1891, the said Morris Behrman gave her a ring and told her that now they were mutually engaged to be married in and about two months from the date of their engagement; that she, the said Fanny Koschnofsky and the said Morris Behrman were continuously in each other's company and that the said Morris Behrman took her out to public places and the homes of friends, and always introduced her as his intended wife; and that the said Morris Behrman was introduced by her as her intended husband, which introduction he, the said Morris Behrman, always received and acknowledged; that, relying on the said pro-

mise of marriage made to her by the said Morris Behrman, she expended time, labor and money in preparing for her said betrothal to the said Morris Behrman and was ready and willing and able to be married to him on the day above set forth, but that the said Morris Behrman utterly failed and neglected and refused to marry her and then still refused to do so, and offered no reason for so doing. That, during the month of October, 1891, and on several occasions, she, the said Fanny Koschnofsky, at the earnest solicitations of the said Morris Behrman and on his promise to marry her had sexual intercourse with him. That thereafter she became pregnant and quick with child as the result of such sexual intercourse with him, and during the month of July, 1892, gave birth to a child at the Maternity Hospital, New York City, which child died eleven days after its birth; that she has been disgraced and greatly injured both in body and mind to her damage owing to the said Morris Behrman's actions, and had thereby sustained damages to the amount of the value of Five Thousand (5000) Dollars.

Whereas in truth and in fact, the said Morris Behrman did not after the 5th day of August, 1891, visit her, the said Fanny Koschnofsky several times, and did not pay her marked attention and did not, on or about the 3rd day of September, 1891, propose marriage to her and no such proposition was then and there or at any time favorably received by her, and the said Morris Behrman did not on the 10th day of September, 1891 give her, the said Fanny Koschnofsky, a ring and did not tell her that

At a Special Term of the Superior Court of the City of New York held at Chambers thereof at the County Court House in the City and County of New York on the sixth day of May, 1891.

Present:
Hon. John Sedgwick Chief Judge.

In the matter of the Petition of Fanny Kachenowsky an infant for the appointment of a Guardian ad litem.	x : x : x : x : x : x

Upon reading and filing the annexed petition duly verified and the consent of Benjamin Barnett duly acknowledged and the affidavit of said Barnett, and on motion of Wakeman & Campbell Attorneys for the Petitioner,

IT IS ORDERED, that the said Benjamin Barnett be and he hereby is appointed the Guardian ad litem of the said Fanny Kachenowsky the petitioner, and authorized to prosecute for her as such guardian the action mentioned in the annexed petition.

NEW YORK SUPERIOR COURT
CITY AND COUNTY OF NEW YORK.

In the matter of the Petition of Fanny Kachenowsky an infant, for the appointment of a Guardian ad litem.

To the Superior Court, New York:-

The Petition of Fanny Kachenowsky respectfully shows to this Court:-

I. That your petitioner is an infant of the age of eighteen years.

II. That your petitioner now resides at No. 65 Eldridge Street, New York City, and has no parent living here, and has no general testamentary guardian.

III. That your petitioner is desirious of bringing an action in this Court against one Marcus Nathan for damages for personal injuries received and for seduction under a promise of marriage and prays that Benjamin Bamett be appointed her Guardian ad litem for the purposes of prosecuting the same.

And your petitioner will ever pray etc.

Dated. New York April, 27, 1891.

Fanny Kachenowsky.

City and County of New York, ss:-

Fanny Kachenowsky, being duly sworn says: that she is the petitioner in the foregoing petition named, that she has heard read the same and knows the contents thereof; that the same is true of her own knowledge except as to matters therein stated to be alleged on inform-

ation and belief and as to those matters she believes it to be true.

Sworn to before me this :
27th day of April 1891. :

Fanny Kachenowsky.

Nicholas Aleinikoff.

Notary Public (44)

Co.of New York.

I hereby consent to become the Guardian of Fanny Kachenowsky, to bring the action above referred to.-

Dated. N.Y. April 1891.

Benjamin Bannett.

City and County of New York ss:-

On this 27th day of April 1891, before me personally came Benjamin Bannett to me known and known to me to be the individual described in said petition and who executed above consent anddacknowledged to me that he executed the same.

Nicholas Aleinikoff.

Notary Public (44)

City & County of New York.

City and County of New York ss:-

Benjamin Bannett being duly sworn deposes and says: that he is the person named as Guardian ad litem in foregoing petition and who executed above consent÷ that he is fully competent to understand and protect the rights of the infant, and has no interest adverse to that of the infant, and is not connected in business with the adverse party,-and is of sufficient ability to answer to the infant for any damage which may be sustained by his negligence or misconduct in the

prosecution of the suit; that he is a business man, to wit, sign-painter at No. 210 Division Street in the City of New York

Sworn to before me this :
27th day of April 1891. :

Benjamin Barnett.

Nicholas Aleinikoff.

Notary Public (44)

City and County of New York.

1,154

State of New York,
County of ..... } *ss:*

.....

being duly sworn, says that he is .....years of age; that on the.....day of.....189....., at No.....in the....., deponent served the within.....upon .....

.....by delivering to and leaving with.....

.....true cop of the said.....and at the same time exhibiting to said.....the within original.

Sworn to before me, this ..... *day of*..... *189*.....

N. Y. Superior Court

Jacob Kuchmann

against

Marcus Nathan

Order to Show Cause

Williams & Cornwall
NICHOLAS ALEINIKOFF,

Attorney for.....

93 NASSAU STREET,

NEW YORK.

To

Attorney for.....

Due service of a copy of the within is hereby admitted.

Dated *189*

Attorney

LOUIS POLHEMUS PRINTING CO., 121 Fulton Street, N. Y.

1,155

State of New York,
County of ..... } *ss:*

.....

being duly sworn, says that he is ..... years of age; that on the ..... day of ..... 189.., at No. ..... in the ....., deponent served the within ..... upon .....

..... by delivering to and leaving with .....

..... true cop of the said ..... and at the same time exhibiting to said ..... the within original.

Sworn to before me, this ..... *day of* ..... *189*.....

N. Y. Superior Court

Fanny Kaufmann

against

Marcus Nathan

Order to Show Cause

NICHOLAS ALEINIKOFF,

Attorney for .....

93 NASSAU STREET,

NEW YORK.

To .....

Attorney for .....

Due service of a copy of the within

is hereby admitted

Dated *189*

Attorney

LOUIS POLHEMUS PRINTING CO., 121 Fulton Street, N. Y.

Folio 1

At a Special Term of the Supreme Court of the City Court held in the City Hall of said City on the 11th day of August, 1893.

PRESENT:

Hon. John Henry McCarthy,

Justice.

Fanny Koschnofsky,

-against-

Morris Behrman

The motion to vacate the order of arrest granted on the 4th day of April, 1893, by Honorable Simon M. Ehrlich, Chief Justice of this Court, against the defendant above named, having duly come on to be heard, now on reading and filing the notice of motion, and the affidavits of Morris Behrman verified the first day of August, 1893, and the 10th days of August 1893, the answer of the defendant, an extract of the Indictment for Perjury found against the plaintiff herein, and marked Exhibit "A", a statement of the plaintiff herein marked Exhibit "B", a copy of the Examination of the plaintiff herein before the Police Magistrate, and marked Exhibit "C", and Extract of the Examination before the Police Magistrate and marked Exhibit "D", thereto annexed, the Indictment of the Grand Jury of the County of New York, charging plaintiff herein, with Perjury, having been exhibited to the Court, on the part of the defendant, and the affidavits of Fanny Koschnofsky the plaintiff herein, verified the 9th

day of August 1893, Rosa Cohen, verified the 8th day of August 1893, and Philip Adler, verified the 9th day of August, 1893, on behalf of the plaintiff herein, and reading the affidavits of Fanny Koschnofsky, verified the 4th day of April, 1893, the affidavit of Meyer Jackson, verified the 3rd day of April 1893, and the affidavit of Rosa Cohn, verified the 3rd day of April, 1893 and which formed the basis of the order of arrest herein, and after hearing Abraham Levy, attorney for the above named defendant in support of the motion, and Joseph I. Green, Esq., of counsel for plaintiff, in opposition thereto, and due deliberation being had, it is,

4

ORDERED that the motion to vacate the order of arrest herein be and the same hereby is in all respects granted, and the order of arrest granted by Honorable Simon M. Ehrlich Chief Justice of this Court, be vacated and set aside.

A Copy
John B McGoldrick
Clerk

Sir :—

Please take notice, that the within is a true copy of a in the within entitled action, this day duly entered and filed in the office of the Clerk of this Court.

Dated, N. Y. 189

Yours &c.,

ABRAHAM LEVY,

Att'y for

To Esq.

Attorney for

New York City COURT.

Fanny Koschnofsky

Plaintiff.

against

Morris Behrman

Defendant.

Certified Copy

Order granting motion to vacate order of arrest.

ABRAHAM LEVY,

Attorney for Deft.

61-65 PARK ROW, (World Building,)

NEW YORK CITY.

Due and timely service of a copy of the within

is hereby admitted

this day of 189

Attorney for

Sir :—

Please take notice, that the within is a true copy of a in the within entitled action, this day duly entered and filed in the office of the Clerk of this Court.

Dated, N. Y. 189

Yours &c.,

ABRAHAM LEVY,

Att'y for

To Esq.

Attorney for

Municipal City COURT.

Fanny Koschnofsky

Plaintiff.

against

Morris Behrman

Defendant.

Order granting motion to vacate order of arrest.

ABRAHAM LEVY,

Attorney for Dft.

61-65 PARK ROW, (World Building,)

NEW YORK CITY.

Due and timely service of a copy of the within

is hereby admitted

this day of 189

Attorney for

Sir:—

Please take notice, that the within is a true copy of a in the within entitled action, this day duly entered and filed in the office of the Clerk of this Court.

Dated, N. Y. 189

Yours &c.,

ABRAHAM LEVY,

Att'y for

To

Esq.

Attorney for

Newport City COURT.

Fanny Koschnofsky

Plaintiff.

against

Morris Behrman

Defendant.

Order granting motion to vacate order of arrest.

ABRAHAM LEVY,

Attorney for Deft.

61-65 PARK ROW, (World Building,)

NEW YORK CITY.

Due and timely service of a copy of the within

is hereby admitted

this day of 189

Attorney for

1160

greatly injured, both in body and mind, to her damage owing to defendant's connections.

Tenth: That in consideration of the premises, plaintiff was damaged in the sum of $5000.

W H E R E F O R E , plaintiff demands judgment against defendant for the sum of $5000., besides the costs and disbursements of this action.

Isaac M. Aaron,
Plaintiff's Attorney,
1515 First Avenue,
New York City.

City and County of New York, ss.:-

FANNY KOSCHNOFSKY, being duly sworn, deposes and says: that she is the plaintiff herein; that she has heard read the foregoing complaint and knows the contents thereof; that the same is true of her own knowledge, except as to the matters which are therein stated to be alleged upon information and belief, and as to those matters she believes it to be true.

Sworn to before me this : FANNY KOSCHNOFSKY.
3rd day of April, 1893. :

Simon I. Kpelman,
Commissioner of Deeds,
New York City.

CITY COURT OF NEW YORK.

FANNY KOSCHNOFSKY,

-against-

MORRIS BEHRMAN.

City and County of New York, ss.:

FANNY KOSCHNOFSKY being duly sworn, deposes and says: that she resides at No. 65 Canal Street, New York City; that she is the plaintiff herein; that this action is brought to recover the sum of $5000. damages sustained by deponent from the defendant, on the ground of breach of promise of marriage and seduction. That on or about the 5th day of August, 1891, deponent became acquainted with defendant, who visited plaintiff several times and paid marked attention to her thereafter; and on or about the third day of September 1891, defendant proposed marriage to deponent, which proposition was favorably received by deponent.

That thereafter, and on or about the tenth day of September 18-1, defendant gave deponent a ring and told her that now they were mutually engaged to be married in about two months from the date of their engagement.

That deponent and defendant were continually in each other's company, and defendant took deponent to public places, and then homes of friends, and always introduced deponent as his intended wife, and deponent introduced plaintiff, as her intended husband, which introductions defendants always received and acknow-

ledged.

That plaintiff relying on said promise of marriage, made to her by defendant expended time, labor and money in preparing for her said betrothal with defendant; and was ready, willing and able to be married to this defendant on the day as agreed upon; but defendant utterly failed, neglected and refused to marry deponent, and stil refuses so to do.

That during October 1891, on several occasions this deponent at the earnest solicitations of defendant, and on hispromiset o marry her, had sexual intercourse with defendant.

That thereafter deponent became pregnant and quick with child as the result of such sexual intercourse with defendant, and during the month of July 1892, gave birth to a child at the maternity hospital, New York City, which child died eleven days after its birth.

That deponent in consideration of said promise of marriage, made to her by defendant, remained single and unmarried, and is still single and unmarried. Deponent has always been ready to perform her part of the marriage contract, and is now ready and willing to marry defendant.

That by reason of the premises, deponent has been disgraced and greatly injured and mind, owing to defendants actions.

Defendant has told me that if I ever make any trouble for him, he will fix me, and that I will never anything from him, as he will leave the City.

Deponent verily believes that unless defendant is arrested and held in bail, he will flee the jurisdiction of this Court.

Sworn to before me this)
: Fanny Koschnofsky.
3rd. day of April, 1893.)

Simon I. Kopelman,
Commissioner of Deeds,
New York City.

EXHIBIT "B".

State, City & County of New York, ss.:

WILLIAM H. KATZ, being duly sworn, deposes and says: that he personally knows Fanny Koschnofsky; that on the 11th day of March, 1893, he met said Fanny Koschnofsky and requested her tontell him what conversation she had every had with Meyer Jackson, M. D., of 332 East 78th Street, this City, concerning Morris Behrman, M. D., of 106 Eldridge Street, New York City, in reply to which said Fanny Koschnofsky stated to deponent that the said Dr. Jackson had instructed her to bring a charge against said Dr. Behrman for an alleged breach of promise, connected with seduction. That deponent then requested said Koschnofsky to put the statement to writing, and she consented to sign such statement if deponent would write it in the Hebrew jargon. This deponent did, and upon the statement having been read to her by deponent, in the presence of Abraham S. Bienenstock, M. D., said Fanny Koschnofsky signed the statement.

Deponent further says that the above took place at the office of the said Dr. Bienenstock, 84 Stanton Street, New York City, and that the statement hereunto annexed is the one hereinbefore referred to as having been signed by said Fanny Koschnofsky.

Sworn to before me this :
: WILLIAM H. KATZ
1st day of April, 1893. :

Nicholas Aleinkoff,
Notary Public,
N. Y. County.

City, State and County of New York, ss:

ABRAM S. BIENENSTOCK, M. D., being duly sworn, deposes and says: "I am a regular physician practicing in the City of New York, and have my office at No. 84 Staton Street; on the 11th day of March, 1893, at 8 P. M. a gentleman by the name of William H. Katz, who is a personal friend of mine, came to my above residence with a woman who called herself Fanny Koschnofsky; Mr. Katz requested me to listen to a statement which would be made by the said Fanny Koschnofsky, and as from the explanation made to me by the said Mr. Katz the statement affected the reputation and good name of a mutual friend of ours, Dr. Morris Behrman, by name, I cheerfully consented to hear what the woman had to say. I then heard her say substantially as stated in the annexed written statement, written at the time by the said Mr. Katz, and signed by the said Fanny Koschnofsky in my presence."

Deponent further says: "Having been amazed to hear of the action of Dr. Meyer Jackson as alleged by the said Fanny Koschnofsky, I could not have expected that a gentleman of my profession might be liable to use such contemptible means in persecuting a friend and a colleague, I personally repeated the question to said Fanny Koschnofsky, and asked her whether it was really true that Dr. Meyer Jackson had instructed her to make up a case of seduction against Dr. Morris Behrman, and she said 'Yes; Dr. Jackson told me to say that Dr. Behrman

had seduced me upon promising to marry me."

Sworn to before me this)
: Abram S. Bienenstock, M. D.
5th day of April, 1893.)

Nicholas Aleinokoff,
Notary Public,
N. Y. County.

now they were mutually engaged to be married in about two months from the date of their engagement; that the said Fanny Koschnofsky and Morris Behrman were not continually in each other's company, and the said Morris Behrman did not take her out to public places or to the homes of friends, and did not always nor at any time introduce her as his intended wife, and the said Morris Behrman was not introduced by her, the said Fanny Koschnofsky, as her intended husband, and no such introductions were ever received or acknowledged by him; that the said Fanny Koschnofsky did not rely upon such promises of marriage and expend time, labor or money in preparing for her betrothal to the said Morris Behrman, and the said Fanny Koschnofsky did not during the month of October, 1891, on several occasions or at any time, at the earnest solicitations of the said Morris Behrman or on his promise of marriage to her, have sexual intercourse with him, the said Morris Behrman; and the said Fanny Koschnofsky did not thereafter and as a result of such sexual intercourse with the said Morris Behrman become pregnant and quick with child during the month of July, 1892, give birth to a child at Maternity Hospital, New York City; and the said Fanny Koschnofsky had not been disgraced and greatly injured both in body and mind to her damage owing to the said Morris Behrman's actions and had not thereby sustained any damage whatever; all of which she, the said Fanny Koschnofsky, then and there well knew.

And afterwards, to wit: on the 3rd day of April in the year of our Lord,,one thousand eight hundred and

ninety-three, at the City and County as aforesaid, the said Fanny Koschnofsky delivered the said complaint in writingso sworn to by her as aforesaid, to some person to the Grand Jury aforesaid, as yet unknown, with intent that it be uttered and published as true, and that on the 25th day of April in the year aforesaid, at the City and County aforesaid, a copy thereof together with a copy of the summons in the said action summong the said Morris Behrman to answer the said complaint and to serve a copy of his answer on Isaac M. Aaron, attorney for the said Fanny Kochnofsky, within six days after the service of the said summons, exclusive of the day of service, was duly served upon the said Morris Behrman.

And so the Grand Jury aforesaid do say that the said Fanny Koschnofsky in manner and form aforesaid feloniously, wilfully, knowingly, corruptly and falsely did commit willful and corrupt Perjury against the form of the Statute insuch case made and against the People of the State of New York and their dignity.

DE LANCEY NICOLL,

District Attorney.

July 18, 1893.

City and County of New York, SS:

MORRIS BEHRMAN, of No. 106 Eldridge Street, age 32 years, occupation student, being duly sworn, deposes and says: that on the 3rd day of April, 1893, at the City of New York, in the County of New York, Fanny Koschnofsky (now here) and Meyer Jackson, who is as yet not arrested, and who were acting in concert for the reasons following, to wit: That said Jackson did willfully subborn, procure and induce the said Fanny to willfully and corruptly swear, declare and certify to an affidavit and complaint or writing by her subscribed before a Commissioner of Deeds in and for the City of New York, duly authorized to administer oaths, the same being used in a certain action pending in the City Court of New York, in which she was the plaintiff and Morris Behrman the defendant, charging him, said Behrman, with Breach of Promise of Marriage, he, said Behrman, promising to marry her two months two months after the date of the promise to marry her, which was on the 3rd and 10th days of September, 1891.

Deponent further says that said Fanny falsely, willfully and corruptly did swear to the said affidavit and complaint (a copy of which is hereto annexed and marked "Ex. A", the original of which is on file in the Clerk's Office in the Clerk of the City Court of the City of New York, filed on the 29th day of April, 1893.

Deponent further says that he is informed by William H. Katz, of 204 Clinton Street, that said Fanny has admitted and confessed to him, said Katz, that the

statements and contents contained in her affidavit and complaint of the aforesaid date "that said Behrman promised to marry her" were "false and untrue", and that no such promise as alleged in her affidavit and complaint were ever made to her by said Behrman, and that the reason she made the said affidavit and complaint and signed and swore to the same, was at the instigation and through the subornation, procurement and inducement of said Meyer Jackson, who insisted and persuaded her to make the said affidavit and complaint against said Behrman, and told her what to swear to, and by so doing she could obtain from said Behrman the sum of $5000.

Deponent further says that he is further informed by said Katz that on the 11th day of March, 1893, the said Fanny did certify in writing, under her hand and written in Hebrew language, a statement hereto annexed and marked "Exhibit B", that the said Jackson had instructed her to say and swear that said Behrman had seduced her under promise to marry her, and that she had the same already pre-arranged with said Jackson.

Deponent therefore charges said Fanny with willful and corrupt perjury and charges said Jackson with suborning the same.

Swotn to before me this :
7th day of July, 1893. :

MORRIS BEHRMAN.

City and County of New York, ss:

WILLIAM H. KATZ, age 32 years, occupation a printer, of No. 204 Clinton Street, being duly sworn, deposes and says: that he said read the foregoing affidavit of Morris Behrman, and that the facts stated therein on information of deponent are true to deponent's own knowledge.

Sworn to before me this :
7th day of July, 1893. :

WILLIAM H. KATZ.

C. W. Meade,

Police Justice.

FANNY KOSCHNOFSKY, being duly sworn, deposes and says; that she is the person referred to in the annexed affidavit of Morris Behrman; that she has heard read the said affidavit of Morris Behrman, and that the same has been translated and fully explained to her. That, after ~~having~~ being fully appraised of her rights and privileges in the premises, she states voluntarily that the contents of the affidavit of the said Behrman are true. That the said Behrman never promised to marry deponent nor did he seduce deponent under the said promise, and deponent's affidavit and complaint to the effect that he had are false.

That deponent was induced to swear to said affidavit and complaint and to commence the said action in the City Court against said Behrman by one Meyer Jackson, M. D., and that he, said Jackson, procured and introduced a lawyer for deponent and told deponent that he paid the lawyer's charges.

"Jackson told me I would get $5000. from Behrman if I did as he (Jackson) told me."

Sworn to before me this : (Signed)
7th day of July, 1893. : FANNY KOSCHNOFSKY.

C. W. Meade,

Police Justice.

EXHIBIT "B"

New York, March 11th, 1892.

This is just what and how Dr. Jackson instructed me.

Namely: That Behrman had promised to marry me and under that promise he seduced me. This just corresponds with what I pre-arranged with Dr. Jackson. I sign my name hereunto.

FANNY KOSCHNOFSKY.

FIRST DISTRICT POLICE COURT.

City and County of New York, ss:

Fanny Koschnofsky being duly examined before the undersigned according to law on the annexed charge: and being informed that it is her right to make a statement in relation to the charge against her; that the statement is designed to enable her, if she see fit, to answer the charge and explain the facts alleged against her. That she is at liberty to waive making the statement, and that her waiver cannot be used against her on trial.

Q. What is your name?

A. Fanny Koschnofsky.

Q. How old are you?

A. Nineteen years.

Q. Where were you born?

A. Russia.

Q. Where do you live and how long have you resided there?

A. 61 Clinton Street. Four months.

Q. What is your business or profession?

A. Cigar maker.

Q. Give any explanation you may think proper of the circumstances appearing in the testimony against you, and state any facts which you think will tend to your exculpation.

A. I am not guilty because I was induced to do it by Jackson.

Fanny Koschnofsky.

Taken before me this 7th day of July, 1893.
C. W. Meade, Police Justice.

CITY COURT OF NEW YORK.

FANNY KOSCHNOFSKY, -against- MORRIS BEHRMAN.	Certificate of Service of Order of arrest, Affidavit, Summons and Complaint.

City and County of New York, ss:

I certify that on the 25th day of April, 1893, at the City and County aforesaid, under and by virtue of the Order of Arrest issued and delivered to me in the above entitled action, I arrested Morris Behrman, the above named defendant, and at the same time delivered to him a copy of said order, and of the affidavit and undertaking upon which the same was granted. I further certify that at the same time and place, I served upon the said defendant a copy of the annexed summons, together with a copy of the complaint hereto annexed, by delivering to the said defendant per sonally, the said copy summons and copy complaint, and leaving the same with him.

John J. Gorman, Sheriff,

Frank J. Walgering, Deputy.

E X H I B I T " A ".

CITY COURT OF NEW YORK.

FANNY KOSCHNOFSKY

-against-

MORRIS BEHRMAN.

The complaint of the plaintiff against the defendant respectfully shows:

First: That on or about the 5 th day of August, 1891, this plaintiff became acquainted with the above named defendant; that thereafter defendant visited plaintiff several times, and paid marked attention to her, and that on or about the 3rd day of September, 1891, this defendant proposed marriage to this plaintiff, which proposition was favorably received by her.

Second: That thereafter, and on or about the 10th day of September, 1891, defendant gave plaintiff a ring, and told her that they they were mutually engaged to be married in or about two months, from the date of their engagement.

Third: That plaintiff and defendant were continually in each other's company, and defendant took her out to public places and the homes of friends, and always introduced plaintiff as his intended wife, and defendant was introduced by plaintiff as her intended husband, which introductions were always received and acknowledged,

Fourth: That plaintiff, relying on said promise of marriage, made to her by defendant, expended time, labor and money in preparing for her said betrothal to defendant, and was ready, and willing and able to be married to this defendant, on the day hereinbefore setforth, but this defendant utterly failed, neglected and refused to marry this plaintiff, and still refuses so to do, and offers no reason for so doing.

Fifth: That during the month of October, 1891, on several occasions, this plaintiff, at the earnest solicitation of defendant, and on his promise to marry her, had sexual intercourse with defendant.

Sixth: That thereafter plaintiff became quick and pregnant with child, as the result of such sexual intercourse with defendant, and during the month of July, 1892 gave birth to a child at the Maternity Hospital, New York City, which child died eleven days after its birth.

Seventh: That plaintiff, in consideration of said promise of marriage made to her by defendant, remained single and ummarried, and is still single and unmarried.

Eighth: That plaintiff has always been ready to perform her part of the marriage contract, hereinbefore described, and is now able and willing to marry the defendant.

Ninth: That plaintiff has been disgraced and

Fol.1 COURT OF GENERAL SESSIONS,

County of New York.

The People of the State of New York, Complainant, against Fanny Koschnofsky, Defendant.

City and County of New York, ss:

Frank Moss, being duly sworn, deposes and says; I am a lawyer and have been engaged by Dr. Morris Behrman to
2 represent him in various litigations now pending and connected with the matter set forth in the indictment herein. I have made several communications to the District Attorney concerning this indictment and concerning the responsibility of one Dr. Meyer Jackson for the perjury of the defendant herein, as set forth in the indictment.

On October 16th, 1895, I was notified by Mr. Lewis, of the District Attorney's Office, that a motion had been made by the defendant to dismiss the indictment and at his request I called and saw the papers. I expressed my judg-
3 ment that the indictment could be sustained and should be tried. Mr. Lewis thereupon suggested my appearance upon the argument of the motion which was adjourned, so that I might prepare an affidavit to be submitted on behalf of the District Attorney.

I have examined the papers and have consulted care-

fully and closely with various witnesses brought to me by Dr. Behrman, and I am strongly convinced that the defendant is guilty of perjury; that the perjury set forth in the indictment was procured to be committed for the purpose of
4 ruining Dr. Behrman, and I believe that there is a reasonable probability that upon a full and fair trial of the indictment the defendant will be convicted.

There is now pending in the City Court of New York a suit by this defendant against Morris Behrman, for damages for breach of promise and seduction, which is likely to be tried in a short time. There is also a suit in the City Court of New York by the said Behrman against the defendant, Koschnofsky, and her sureties to recover damages for the arrest of said Behrman in the action first mention-
5 ed, the order of arrest having been set aside by the Court. There is also an action pending in the Court of Common Pleas by said Behrman against Dr. Meyer Jackson for damages. I am counsel for Dr. Behrman in two of these actions and have advised with him concerning all of the actions.

The following is a copy of a statement made by the defendant before a Police Magistrate, which I am informed and believe was carefully translated to her by a competent person who was not interested in the case, and upon the trial of the indictment and of the suits, the testimony
6 of the person who so translated will be produced.

"Fanny Koschnofsky, being duly sworn, deposes and "says, that she is the person referred to in the affidavit "of Morris Behrman, and that she has heard read the affida-

"vit of Morris Behrman and that the same has been translated
"and fully explained to her. That after being fully ap-
"prised of her rights and privileges in the promises, she
"states voluntarily that the contents of the affidavit of
"the said Morris Behrman are true. That the said Behrman
"never promised to marry deponent, nor did he seduce depo-
7 "nent under said promises, and deponent's affidavit and com-
"plaint to the effect that he had, were false.

"That deponent was induced to swear to said affida-
"vit and complaint and to commence the said action in the
"City Court against the said Morris Behrman, by one Meyer
"Jacksen, M. D., and that he, said Jackson, procured and
"introduced a lawyer to deponent and told depenent that he
"had paid the lawyer's charges.

"Jackson told me I would get $5,000 from Behrman if
"I did as he (Jackson) told me.

8 "(Signed) Fanny Koschnofsky."

"Sworn to before me this)
:
7th day of June, 1893.)

C. W. Meade,
Police Justice."

The affidavit of Morris Behrman, to which the defend-
ant so referred was as follows:

"City and County of New York, ss:

"Morris Behrman of No. 106 Eldridge Street, age 32
"years, occupation Student, being duly sworn, deposes and
9 "says, that on the 3rd day of April, 1893, at the and
"County of New York,

"Fanny Koschnofsky x (now here) and Meyer Jackson,
"who is as yet not arrested, and who were acting in concert
"for the reasons following, to wit: That said Jackson did
"wilfully, suborn, procure and induce the said Fanny to
"wilfully and corruptly swear, declare and certify to an
"affidavit and complaint or writing by her subscribed, before
"a Commissioner of Deeds in and for the City of New York,
"duly authorized to administer oath, the same being used in
10 "a certain action pending in the City Court of New York, in
"which she was the plaintiff and Morris Behrman was defend-
"ant, charging the said Behrman with breach of promise of
"marriage, he the said Behrman promising to marry her within
"two months after the date of the promise to marry her,
"which was on the 3rd and 10th day of September, 1891.

"Deponent further says that said Fanny falsely,
"wilfully and corruptly did swear to the said affidavit and
"complaint (a copy of which is hereto annexed and marked
"exhibit "A", the original of which is now on file in the
11 "Clerk's Office of the Clerk of the City Court of New York,
"and filed on the 29th day of April, 1893.

"Deponent further says that he is informed by
"William H. Katz of 204 Clinton Street, that said Fanny
"has admitted and confessed to him, said Katz, that the state-
"ments and contents contained in her affidavit and complaint
"of the aforesaid date "that said Behrman promised to marry
"her" were false and untrue", and that no such promise as
"alleged in her said affidavit and complaint was ever made to
"her by said Behrman, and that the reason she made said af-

12 "fidavit and complaint and signed and swore to the same, "was at the instigation, and through the subornation, pro-"curement and inducement of said Meyer Jackson and who in-"sisted and persuaded her to make said affidavit and com-"plaint against said Behrman and told her what to swear to, "and by so doing she could obtain from Behrman the sum of $5,000.

"Deponent further says that he is further informed "by the said Katz that on the 11th day of March, 1892, the "said Fanny did certify in writing, under her hand and

13 "written in Hebrew language, a statement hereto annexed and "marked exhibit B.

"Deponent therefore charges said Fanny with wilful "and corrupt perjury and charges said Jackson with suborn-"ing the same.

"Sworn to before me this) :
"7th day of July, 1893.") "Morris Behrman."

"C. W. Meade,
Police Justice."

Upon the examination of the defendant before the

14 Police Magistrate, as appears by the original papers, she made this statement:

"In answer to the Police Magistrate after arrest, "in her statement and answer to questions propounded on her "examination she stated the following:

"Q Give any explanation you may think proper of the cir-cumstances appearing in the testimony against you and state any fact which you think will tend to your excul-

pation.

"A I am not guilty because I was induced to do so by Dr. Jackson."

15 I have just found a report of an interview with Miss Koschnofsky, by a reporter of the N. Y. Herald, shortly after the Police Court proceedings in which he states:

"I found Miss Koschnofsky willing to answer ques-
"tions. She gave me her age as nineteen. She was born,
"she said, near Moscow in Russia. x x x x x On
"account of her stepmother's cruelty Miss Koschnofsky came
"to this country. When arrested she was at work in a
"cigarette factory at Tenth Street and Avenue A. Of her
"breach of promise suit against Marcus Nathan, she said
16 "Nathan had run away and she had been unable to get trace
"of him.

"I had no idea of bringing a breach of promise suit"
"she stated "against Dr. Behrman. I am sorry I should have
"sworn to such false statements and I mean now to make all
"the reparation in my power."

Sworn to before me this)
25 day of October, 1895.) : Frank Moss

Jas D Harvey
Notary Public
N.Y. Co.

Fol.1 City and County of New York, ss:

William H. Katz, of No. 204 Clinton Street, New York City, being duly sworn, says, that in March, 1893, he met Fanny Koschnofsky, the defendant, and she admitted to him that she had sworn falsely against Dr. Behrman; that Behrman had not promised to marry her, and that her action was induced by Meyer Jackson, who told her that by so doing she would obtain $5,000 from Behrman.

Deponent then took her to Dr. Abraham S. Bienenstock to whom she substantially repeated her said statements, and

2 she then and there signed a statement as follows:

"New York, March 11th, 1892. This is just what and "how Dr. Jackson instructed me. Namely: That Behrman had "promised to marry me and under that promise had seduced me. "This just corresponds with what I pre-arranged with Dr. "Jackson. I sign my name hereunto. Fanny Koschnofsky."

This statement was thoroughly understood by her and was made fully and freely, and without any misrepresentation whatever. All statements that this or any other paper was procured for her by any false representation or

3 without her full, free and intelligent consent, are false.

Deponent has consulted with Dr. Meyer Jackson who stated that he had put said Koschnofsky up against Behrman and that the end had not come yet.

Deponent has heard the said Jackson threaten to give the said Behrman all the trouble he could.

Sworn to before me this)
24th day of October, 1895.)

William H. Katz

Max A. Alderman Notary Public N.Y. Co.

City and County of New York, ss:

Dr. Abraham S. Bienenstock of No. 150 Stanton Street New York City, being duly sworn, says, that he has read the foregoing affidavit of William H. Katz, and that the statement therein of the circumstance occuring in connection with deponent, and deponent's acts, is true.

Deponent has heard Dr. Meyer Jackson threaten to ruin the said Behrman.

Sworn to before me this)
24 day of October, 1895.)

Abraham S. Bienenstock M.D.
150 Stanton St

Fol.1 City and County of New York, ss:

Dr. Morris Behrman, being duly sworn, says:

All the statements in the moving affidavits that I — seduced — Fanny Koschnofsky — under promise of marriage, and that I promised to marry her, or said that I would marry her, and that I was frequently with the said Koschnofsky, are false, and the falsity of such charges will be proved on the trials of the actions now pending.

The complaint of Fanny Koschnofsky against me in
2 the City Court, upon which she sued me for $5,000 damages, was false. I was arrested in that action, but the order of arrest was vacated by the Court, on submission of affidavits by myself and witnesses, which I am informed and believe are in the possession or under the control of the District Attorney.

I made complaint against the said Koschnofsky for perjury, and against Dr. Meyer Jackson, my malicious enemy, for suborning the perjury, and the said Koschnofsky admitted her perjury in the Police Court where she was examined
3 by Justice Meade. Her admissions were made publicly and openly, and her counsel, Mr. Roth, asked for clemency on the ground that she had simply acted as the tool of Dr. Jackson, which fact she herself stated. Justice Meade stated his willingness to hold the said Jackson for subornation of perjury, but my counsel, Mr. Levy, stated that he appeared by authority of the District Attorney, and moved for Jackson's discharge, which motion was thereupon granted.

The Judge made the bail for Koschnofsky only $300, out of consideration for the fact that she was but a tool
4 and told Jackson he must get her bailed. The affidavit signed by Fanny Koschnofsky before Justice Meade was carefully read and explained to her by one of the Court attendants, and she made it freely and intelligently.

Deponent believes that the said Jackson is responsible for the awful charge that was made against him by said Koschnofsky, and that the movement to dismiss this indictment is made in his interest. Deponent is informed by his counsel, Frank Moss, that there is a reasonable prospect of convicting the defendant upon a trial of the indictment.

5 Propositions have heretofore been made to deponent for a discontinuance of all the actions now pending, both criminal and civil, but deponent is unwilling to consent thereto, because he has been awfully injured in his reputation and he believes that he can only be restored in his good name and fame by the trial of the actions.

The enmity of Dr. Jackson arose in certain matters connected with his course in his college, he and I being matriculants together. It was then carried to the extent of sending letters (some of them anonymous) to the college
6 authorities, which prevented my admission to the examinations and the consequent granting of diploma to me until they had made investigations, and demonstrated the falsity of the charges. He was not able to finally prevent me from taking the examinations, but the suit for breach of promise was instituted and I was arrested shortly after the ex-

amination to which I had been admitted after the college authorities had admitted me thereto.

I am informed by Mr. Aleinikoff, Counsellor at Law, that this same Fanny Koschnofsky started a similar proceed-
7 ing against a man named Marcus Nathan, before suing me, and that he became suspicious of the suit and dropped it.

I procured a copy of the proceedings in that action and submitted them to the District Attorney.

I never made any threat against the life of Mr. Green. I am informed that Mr. Levy who formerly was my counsel, so stated, but I cannot account for his statement, except that he misunderstood some remark which I made about being willing to go to the Tombs rather than consent to a discontinuance of the proceedings. I never entertained or
8 expressed a thought of violence against Mr. Green.

Mr. Levy and I disagreed while the breach of promise case was on the Calendar last spring, and while I was trying to secure other counsel (being obliged to have the assistance of friends in so doing, through my impoverishment by these suits), a default was taken, but the default was opened. I paid the costs imposed as "terms," and the action is now awaiting trial.

Concerning those who made the last affidavits submitted for the defendant, -- Moses Jackson is the brother of
9 Meyer Jackson, Isidor Goodman is a lad, his nephew, -- and Carrie Jackson is his wife.

Sworn to before me, this) Morris Beckman
25 day of October, 1895.)
Jas D Henry
Notary Public N.Y. Co.

The following is a copy of an affidavit in possession of Frank Moss.

State, City and County of New York, ss:

David Epstein, M. D., being duly sworn, says; that he personally knows Fanny Kachenofsky of No. 65 Canal St., N. Y. City; and that he knows her to be a woman of ill repute.

Sworn to before me this)
:
1st day of April, 1893.)

David Epstein, M. D.

Nicholas Aleinikoff,
Notary Public,
(Seal) N. Y. Co.

COURT OF GENERAL SESSIONS,

County of New York.

- - - - - - - - - - - - - - - -

The People of the State of
New York,

against

Remy Koschnofsky.

- - - - - - - - - - - - - - - -

AFFIDAVITS IN OPPOSITION TO
MOTION TO DISMISS INDICTMENT.

- - - - - - - - - - - - - - - -

No 4

COURT OF GENERAL SESSIONS,

County of New York.

The People of the State of
New York,

against

Fanny Koschnofsky.

AFFIDAVITS IN OPPOSITION TO
MOTION TO DISMISS INDICTMENT.

COURT OF GENERAL SESSIONS,

County of New York.

- - - - - - - - - - - - - - - -

The People of the State of
New York,

against

Fanny Koschnofsky.

- - - - - - - - - - - - - - - -

AFFIDAVITS IN OPPOSITION TO
MOTION TO DISMISS INDICTMENT.

- - - - - - - - - - - - - - - -

Fol.1 COURT OF GENERAL SESSIONS OF THE PEACE,

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE, ETC.,

against

FANNY KOSCHNOFSKY.

Sir:

YOU WILL PLEASE TAKE NOTICE, that upon the annexed affidavits of Fanny Silberman, (formerly Fanny Koschnofsky,) Joseph I. Green, Rosa Cohn and Philip Adler, all duly verified, and upon the indictment herein and plea of not guilty thereto, and upon all the papers and proceedings herein, the undersigned will move this Court at a Session thereof, to be held in Part I thereof, at the Criminal Court Building, Centre Street between Leonard and Franklin Streets, New York City, on the 19th (1895) day of July, 1895, at

" 2 10:30 o'clock, in the forenoon of that day, or as soon thereafter as counsel can be heard, that the indictment filed by the Grand Jury of the City and County of New York, on the 18th day of July, 1893, against the above named defendant for Perjury, be dismissed, and that she be discharged from custody, and that the bail heretofore given for the defendant be exonerated from any and all liability thereon or thereunder, and for such other and further relief as to the Court may seem just and proper.

Dated, New York, July 1st, 1895.

Yours &c.,

JOSEPH I. GREEN,
Attorney for defendant,
280 Broadway,
New York City.

To:
JOHN R. FELLOWS, ESQ.
District Attorney,
City & County of New York,

" 3

Fol. 1 COURT OF GENERAL SESSIONS OF THE PEACE
OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE &c.

against

FANNY KOSCHNOFSKY.

City and County of New York, ss:

FANNY SILBERMAN, formerly Fanny Koschnofsky, being duly sworn, deposes and says: That she is the defendant above named, and resides at No. 121 Henry Street, New York City, and is now a married woman and the wife of Samuel Silberman.

I. That about the winter of 1891, the said Morris Behrman, under promise of marriage seduced deponent, in consequence of which, deponent became pregnant, and on or about the 22nd day of July 1892 gave birth to a child at the City of New York, and that said child died about the 2nd day of August, 1892.

" 2 II. That thereafter and on or about April 1893, deponent commenced an action in the City Court of New York, for $5000. damages by reason of and by virtue of the said seduction under promise of marriage, against the said Morris Behrman and that the complaint in said action was duly sworn to by deponent and that before deponent signed or swore to the said complaint, the contents thereof were duly translated to her by the person who swore deponent to the same, and that deponent at the time she signed and swore to

" 3 the same knew the contents thereof and deponent under oath reiterates the truth of the maters in the complaint set forth, and again more specifically alleges, swears and

avers that the said Morris Behrman is the father of her child, which child has since died, and that he did under promise of marriage seduce deponent and that deponent never had sexual intercourse with any man except the said Morris Behrman, (ex of her husband) and deponent makes the original complaint in the said action in the City Court of New York, which is now on the file in the office of the District Attorney, of the
" 4 City and County of New York, part of this affidavit and refers to the same as part hereof.

III. Deponent further says that in the winter of 1891, she boarded with one Mrs. Rosa Cohn, at No. 178 Allen Str., New York City, and that the said Morris Behrman often called for her at the place where she was boarding as often as three times a week and that deponent would remain with said Behrman over night and return to her boarding place in the next morning; that on one particular occasion when Mrs. Rosa Cohn remonstrated with said Morris Behrman about keep-
" 5 ing deponent out all night, said Behrman made response in the presence and hearing of deponent, that he promised to marry deponent; that she was his intended wife and that he had the right to stay out all night with deponent, as he was going to marry deponent soon, and deponent refers to the affidavit of Mrs. Rosa Cohn, hereto annexed, wherein said fact is more specifically set forth.

IV. Deponent further says that some time thereafter and about March, 1893, one William H. Katz, called at the house where deponent was boarding, and which was with one Mrs. Weinstein, at No. 63 Canal Street, and informed deponent
" 6 that one Dr. Jackson, desired to see deponent at the office of one Dr. Bienenstock, No. 84 Stanton Street, New York

City, to sign a certain paper and that he desired her to go at once; that deponent proceeded to said office of Dr. Bienenstock, and was there informed by said Katz, that Dr. Jackson had just left, whereas in truth and fact Dr. Jackson did not send for deponent and did not want her, nor had he been at said office; that when deponent was in said office, said Katz produced a paper, which deponent has since ascertained was written in the Hebrew language, and informed her to sign her name thereto, saying Dr. Jackson,

" 7 says you should sign it; that deponent without reading the said paper, nor knowing the contents thereof, signed the said paper, which paper deponent has since ascertained from her counsel contained the following, ~~and which paper is refered to in defendant's moving papers as Exhibit "B".~~

New York, Mch. 11/93.

This is just what and how Dr. Jackson had instructed me.

Namely that he Behrman had promised to marry me, and under this promise he had seduced me. This just corresponds with what I had prearranged with Doctor Jackson.

I sign my name hereunto.

Fanny Kotchowsky"

" 8 V. That in reference to the statement in said paper contained deponent avers that it is totally and wholly false and untrue, that she did not know the contents thereof when she signed it and had she known the contents would positively not done so and that she only signed it believing that it was all right, believing that a person who had befriended her, desired it to be signed, and that the same was signed by a trick and signed at the request of said

Katz who had said to deponent on the journey to the said Dr. Bienenstock's office that she ought to make Behrman marry her.

" 9 VI. That thereafter and on or about the 8th day of July, 1893, deponent was arrested on the charge of perjury in having sworn falsely to the complaint in the civil action brought in the City Court of New York, in which deponent ~~deponent~~ was plaintiff and Morris Behrman defendant, and which complaint is hereinbefore more particularly referred to, and that on the 10 thday of July, 1893, the said Dr. Meyer Jackson was arrested charged with subornation of perjury in having (as charged) obtained deponent to swear falsely to the complaint in said civil action, and that de-
" 10 ponent was arrested and also Dr. Jackson, upon the complaint, of Morris Behrman and William H. Katz,.

VII. That attached to the papers on said complaint for perjury and subornation thereof is the affidavit of said William H. Katz, and which said affidavit is now on file in the office of the District Attorney of the City and County of New York, together with the affidavit of one Dr. Bienenstock and also Morris Behrman, and as to said affidavit of Katz, deponent avers that the same is entirely and utterly false and untrue, and that there is not one word of
" 11 truth in the whole of said affidavit, that deponent never held any conversation with said Katz in her life except on the way when she went to the office of Dr. Bienenstock, 84 Staton Street, as hereinbefore set forth and that she never uttered the words to any living soul concerning Dr. Jackson as stated in the affidavit of Katz, for the said affidavit

of Katz is false and untrue and that no such statement as stated by Katz was made by deponent to him or any other statement.

VIII. That the affidavit of said Katz sets forth the fact "that deponent met him and informed him that what she
" 12 swore to in the complaint in the civil action was untrue and that Dr. Jackson told her to do so, and to say that he (Behrman) seduced deponent under promise of marriage and that Dr. Jackson told deponent she could make $5.000, out of Behrman if she did so and to do so, which she did as averred by Katz", that deponent again, recognizing the solemnity of an oath and in the presence of her maker swears that she never had the conversation sworn to by Katz as had, and that his affidavit is the vilest perjury.

IX. Deponent further says that as to the affidavit of Dr. Bienenstock wherein the affidavit of said Katz is part-
" 13 ially corrobrated, and as to each and every part thereof the same is false and untrue; that she had no conversation with said Dr. Bienenstock whatsoever at his office or any other place in reference to Dr. Jackson but only that said Bienenstock with said Katz stated to deponent that Dr. Jackson had just left (meaning Bienenstock's office) and that he left word for her to sign her name to the paper hereinbefore referred to and which was when said Katz falsely stated to deponent that Dr. ~~Bienenstock~~ Jackson desired to see her at Dr. Bienenstock's office.

X. That thereafter and about July 13th, 1893, after an
" 14 examination by the said Dr. Jackson duly had, he was discharged by Mr. Justice Moade sitting in the Tombs Police Court upon the charge as aforesaid.

XI. That upon deponent's examination before the Police Magistrate she in writing stated that " I am not guilty because I was told to do it by Dr. Jackson". This deponent avers is false and untrue in so far as it charges deponent or Dr. Jackson with offence; that she was informed by Behrman and Katz that if she said that to the Judge everything would be all right and then Behrman would marry her; but deponent had no thought of swearing to a statement such as that, nor did deponent know that such writing signed by her contained any thing false; that deponent at the time of her arrangement before the Police Justice, she was asked "Is that true", the Judge referring to a certain papers he had in his hands and deponent believing, not understanding the English language, and not reading it, that he referred to her charge against Behrman, and said "Yes".

" 15

XII. That deponent has been indicted by the Grand Jury of this County for perjury and that said indictment is still pending, charing that deponent swore falsely to the summons and complaint in the civil action before mentioned.

" 16

XIII. Deponent further says that since she has known Dr. Jackson at no time has he requested deponent to swear falsely or make any statement of any kind whatsoever but what was absolutely true; that deponent gave and sacrificed her virtue for Morris Behrman, and that since that time he has exercised such influence over deponent when in his presence that she entirely losses control over her actions, and has done his bidding, and that he was he who attempted to obtain deponent to state things falsely, and not Dr. Jackson.

XIV. Deponent further says that she is now a married woman and resides with her husband at the place aforesaid

that she is about to become a mother, and is desirous of having the stigma of the indictment removed before such occurrence.

Deponent further refers to and begs to make part hereof, as if specifically set forth the affidavit of Mr. Joseph I. Green, hereto annexed.

WHEREFORE, deponent asks for an order dismissing the indictment herein, and discharging her bail.

Sworn to before me this : Teresa Silberman
6th day of July, 1895 . :
H. Thurston
Notary Public
N.Y.Co.

Fol. 1 COURT OF GENERAL SESSIONS OF THE PEACE,

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE, &c.,

v.

FANNY KOSCHNOFSKY.

City and County of New York, SS:

JOSEPH I. GREEN, being duly sworn, deposes and says:

I. That he is the counsel for the defendant in the above entitled action, and that his office address is No. 280 Broadway, in the City of New York.

II. That when the action for breach of promise of marriage, brought by the defendant herein, against the complainant was called (in the City Court of New York) for trial, on or about the 7th day of June, 1895, defendant's (Complainant) attorney, Mr. Abraham Levy, arose and in open Court stated to Mr. Justice McCarthy that the defendant (Complainant herein) refused to come

" 2 to Court, that he had had the defendant (Complainant herein) served with a subpoena, but notwithstanding that the defendant (Complainant herein) sent back word (as stated in Court by Mr. Levy) that he would not come.

III. That said Levy further stated to the Court that he informed the defendant (Complainant herein) that if he did not come to Court, there would be taken against him a judgment and that on that he would be arrested and confined in Ludlow Street Jail; and that thereupon the defendant (Complainant herein) stated that if he had to go to Jail he would choose the jail, and it would be the Tombs, and that he would kill deponent on sight for

"3# pushing the case against him; that the said Levy then informed the Court that he had informed the defendant (Complainant herein) that he must get other counsel as he would not go on with the case of a man who threatened the life of a man for devotion to his client's interests, and deponent further says, that he was informed by said Levy, that he verily believed that his client intended to carry out his threat.

IV. Deponent further says that on June 6th, 1895, said Levy withdrew from the case and was instructed by Mr. Justice McCarthy to send the papers to the defendant (Complainant herein) with notice to get other counsel; that the said case was called

" 4 and answered ready on the third, fourth and fifth of June, on which day, the Justice marked the case for the 10th peremptorily, after having instructed Mr. Levy as aforesaid.

V. That on the 10th day of June, of Messrs. Friend, House & Grossman, appeared in Court and requested an adjournment, which was refused and on the 10th day of June, he withdrew from the case saying he would have nothing to do with it, and on the same day, in the morning the defendant (Complainant herein) appeared, as deponent has been informed and believes, and when the Justice announced that the case was marked for an inquest, but the defendant (Complainant herein) could come in and defend be-

" 5 fore the inquest, he left near recess and within one hour after he left the court room a new attorney appeared, representing a Mr. Goldsticker, pressenting affidavit that the defendant (Complainant herein) was sick in bed, but Mr. Justice Mr. Carthy refused to grant an adjournment, and an inquest was taken on the 11th day of June, 1895, before a Jury, and a verdict for plaintiff rendered for $500.

VI. Deponent further says that the arrest of the defend-

" 6 ant in the opinion of the deponent, is the result of a vile conspiracy which deponent expects to prove on the trial of the charge against the defendant ; that the defendant (Complainant) herein permitted seventeen days to elapse before doing anything in the matter about opening the judgment herein, in the City Court of New York on the 6th day of July 1895 the defendant was permitted to defend on payment of the costs which have been paid.

Sworn to before me this

16th day of July, 1895.

Philip J. Brett
Commissioner of Deeds
N.Y.Co.

Fol. 1 COURT OF GENERAL SESSIONS OF THE PEACE

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE &c.

against

FANNY KOSCHNOFSKY.

CITY AND COUNTY OF NEW YORK, SS:

ROSA COHN, being duly sworn, deposes and says:

I. That she is a married woman, ~~wdxe~~ and resides with her husband at No. 178 Allen Street, in the City of New York, and that she is personally acquainted with the parties in the above entitled action as well as with one Dr. Meyer Jackson, who resudes at No. 332 East 78thStreet, New York City, and that deponent is not related in any manner to any of the persons before mentioned.

II. That in the winter of the year 1891, the plain

" 2 above named boarded with deponent and continued to board with deponent for about a year and while the defendant herein ~~x~~boarded with deponent, she was visited by the defendant herein as often as three times a week, while she continued to board with deponent.

III. That often in evenings about 8 P. M. the complainant herein would call for the defendant at deponent's home as aforesaid, and after remaining out all night, from deponent's home, would return with the defendant about nine o'clock in the morning of the next day , and that when ~~x~~deponent remonstrated with complainant as she often did, for his actions the said complainant stated to deponent that he

" 3 had promised to marry the defendant Fanny as he called her,

that she was his intended wife, and that he had a right to stay out all night with her as they were going to be married soon.

IV. That in the Spring of 1893, deponent noticed that that the girl Fanny was big with child and spoke to her about it, and said ~~defendant~~ Fanny stated to deponent that the defendant (Complainant) herein had sexual intercourse with her and had seduced her under promise of marriage.

V. That when defendant (Complainant) herein again called at deponent's house, deponent spoke to him and stated to him what the plaintiff herein had told her, to wit; that the defendant (Complainant) herein had seduced ~~her~~ the plaintiff under promise of marriage, and that the defendant (Complainant) herein admitted that the same was true, and that it was all right as he intended to marry her.

" 4

VI. That about the month of April, 1893, deponent made an affidavit in this action which was used when the defendant herein was arrested, and deponent here again reiterates the statements in said affidavit contained and the truth of the same.

VII. That some time thereafter the defendant (Complainant) herein procured a warrant for the arrest of the plaintiff and on the charge of perjury, and also for one Dr. Meyer Jackson, for subornation ~~of perjury~~ thereof, charging and alleging, that the plaintiff herein, falsely and wilfully swore to the complaint in this action, and that the said Dr. Jackson, falsely and wilfully procured the plaintiff to make such complaint and swear to the same; that thereafter and on or about July 10th, 1893, ~~plaintiff~~ defendant herein was arrested as well as the said Dr. Jackson and that deponent was called

" 5

as a witness upon the examination upon the said charge; that upon such examination said Dr. Jackson was honorably discharged on the 13th day of July, 1893, by Mr. Justice Meade, sitting in the Tombs Police Court; that before his
" 6 discharge, and while the examination was still pending having been adjourned and after deponent'~~s~~ had given a portion of her testimony, the defendant herein, (Continued) called personally at deponent's house, and requested deponent to testify falsely against said Dr. Jackson, and for and on behalf of defendant herein, and against the plaintiff herein, and that the defendant herein stated to deponent that he would pay her a large sum of money to testify against the plaintiff and against said Jackson, and further stated to deponent that he, and friends of his, had arranged to charge the plaintiff and the said Jackson with this alleged
" 7 crime as the said Jackson was the only person who stood in the way of defendant and who prevented the defendant from procuring his diploma, to enable him to practice medicine, and that his whole future career would depend upon him sending the girl and Jackson to prison; that there upon deponent informed defendant (Continued) that she would not swear falsely for all the money in the world, and told the defendant that he himself had told deponent that he had seduced the plaintiff herein under promise of marriage.

Sworn to before me this 10th day of July, 1895, and before making her mark the contents of the foregoing affidavit was fully translated to her by me, after she swore to the truth of the same.

her Rosa X Cohen mark

" 8 August Klapper
Notary Public
N. Y. Co.

Fol. 1 COURT OF GENERAL SESSIONS OF THE PEACE
OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE &c.,

against

FANNY KOSCHNOFSKY.

CITY AND COUNTY OF NEW YORK, SS:

PHILIP ADLER, being duly sworn, deposes and says

I. That he resides at No. ~~185 East Broadway,~~ 14 Delaney Street in the City of New York, and is personally acquainted with the defendant in the above entitled action as well as with the complainant herein.

II. That about the month of May, 1893, he met one Morris Behrman, the complainant herein, in front of deponent's
" 2 place of abode and that at that time he had a conversation with him. That the complainant herein, to a question put to him by deponent stated that he was not afraid of the girl as her child was dead and that he could do anything with her and make her swear anyway he liked; that it was his intention to put up a job on the defendant herein and one Dr. Jackson, and that he and his friends were at work and would fix the girl and the said Dr. Jackson before long. That the said complainant further stated to deponent that his friends who were assisting him had procured a paper from the girl in which the girl stated that Dr. Jackson had told her to say to that which she had already sworn, that they got the paper from her by a trick, that before long they would have the girl and Dr. Jackson in jail.

III. That the said complainant Behrman further stated to

" 3 deponent that the only way he could get out of the scrape with the plaintiff was by putting up a job on Dr. Jackson and the plaintiff and that he would spend his last dollar and dovote his life to do it.

IV. That deponent has no interest in this case, and is not related to either party nor with the said Dr. Jackson, in any manner whatsoever.

P. Adler

Sworn to before me this:
15th day of July, 1895

Com of Deeds City & Co of N.Y.

SIR:

You will please take notice that the within is a true copy of an this day duly made and entered in this action and filed in the office of the Clerk of this Court.

Dated, N. Y., 189

Yours, &c.,

JOS. I. GREEN,

Att'y for

P. O. and Office Address, 280 Broadway, N. Y. City.

To

Esq.,

Att'y for

No 3

Court of General Sessions

The People &c.

Plaintiff

against

Fanny Koschnofsky

Defendant.

Original

Affidavits and Notice of motion

JOSEPH I. GREEN,

Attorney for deft.

[Stewart Building.]

No. 280 BROADWAY,

New York City.

To

Attorney for

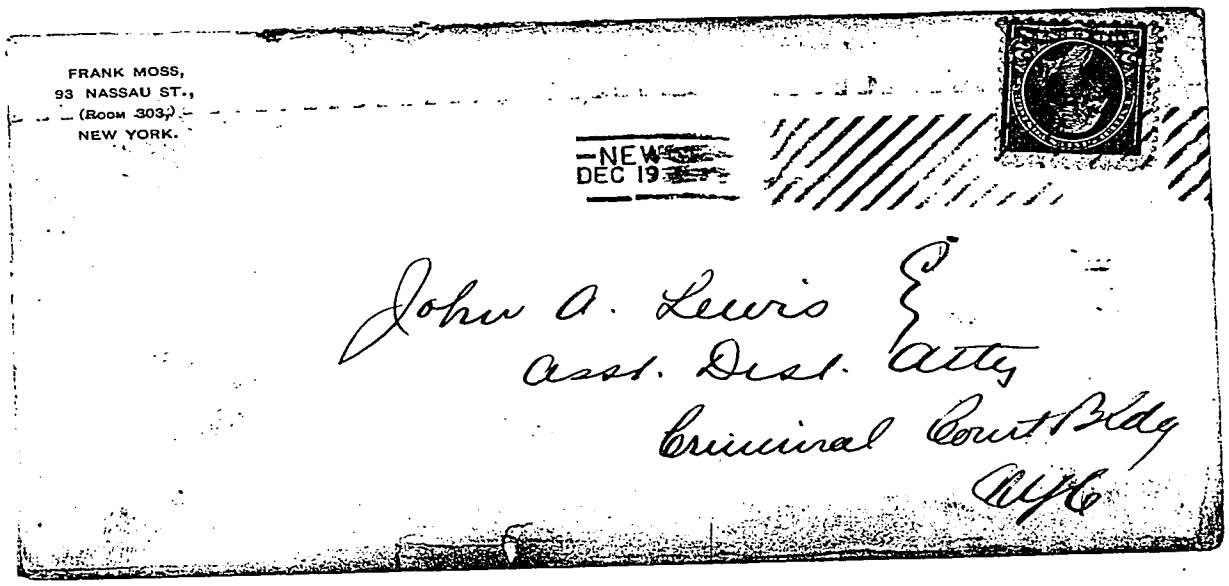
~~due and timely~~ service of a copy of the within Affdvts &c. is hereby admitted this 16 day of July 189

John R. Fellows

Dist. Attorney ~~for~~

1 Copy

1211


FRANK MOSS,
93 NASSAU ST.,
(Room 303.)
NEW YORK.

NEW
DEC 19

John A. Lewis
Asst. Dist. Atty
Criminal Court Bldg
NYC

No.1 COURT OF GENERAL SESSIONS OF THE PEACE,

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE, ETC.,

against

FANNY MOSCHKOWSKY.

Sir:

YOU WILL PLEASE TAKE NOTICE, that upon the annexed affidavits of Fanny Gilberman, (formerly Fanny Moschkowsky,) Joseph I. Green, Rosa Cohn and Philip Adler, all duly verified, and upon the indictment herein and plea of not guilty thereto, and upon all the papers and proceedings herein, the undersigned will move this Court at a Session thereof, to be held in Part I thereof, at the Criminal Court Building, Centre Street between Leonard and Franklin Streets, New York City, on the 19th day of July, 1895, at

" 2 10:30 o'clock, in the forenoon of that day, or as soon thereafter as counsel can be heard, that the indictment filed by the Grand Jury of the City and County of New York, on the 10th day of July, 1895, against the above named defendant for Perjury, be dismissed, and that she be discharged from custody, and that the bail heretofore given for the defendant be exonerated from any and all liability thereon or thereunder, and for such other and further relief as to the Court may seem just and proper.

Dated, New York, July 1st, 1895.

Yours &c.,

To:
JOHN R. VELLOWS, ESQ.
District Attorney,
City & County of New York.

JOSEPH I. GRUBE,
Attorney for defendant,
220 Broadway,
New York City.

" 3

Fol. 1 COURT OF GENERAL SESSIONS OF THE PEACE
OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE &c.

against

FANNY ROSENBERGSKY.

City and County of New York, ss:

FANNY GILDERMAN, formerly Fanny Rosenbergsky, being duly sworn, deposes and says: That she is the defendant above named, and resides at No. 141 Henry Street, New York City, and is married woman and the wife of Samuel Gilderman.

I. That about the month of 1891, one Morris Behrman, under promise of marriage seduced deponent, in consequence of which, deponent became pregnant, and on or about the 22nd day of July 1892 gave birth to a child in the City of New York, and that said child died about the 2nd day of August, 1892.

" 2 II. That thereafter and on or about April 1893, deponent commenced an action in the City Court of New York, for $5000. damages by reason of and by virtue of the said seduction under promise of marriage, against the said Morris Behrman and that the complaint in said action was duly sworn to by deponent and that before deponent signed or swore to the said complaint, the contents thereof were duly translated to her by the person who swore deponent to the same, and that deponent at the time she signed and swore to

" 3 the same knew the contents thereof and deponent under oath reiterates the truth of the matters in the complaint set forth, and again more specifically alleges, swears and

avers that the said Morris Rahman is the father of her child, which child has since died, and that he did under promise of marriage seduce deponent and that deponent never had sexual intercourse with any man except the said Morris Rahman, and deponent makes the original complaint in the said action in the City Court of New York, which is now on the file in the office of the District Attorney, of the City and County of New York, part of this affidavit and refers to the same as part hereof.

" 4 III. Deponent further says that in the winter of 1921, she boarded with one Mrs. Rosa Cohn, at No. 175 Avon Str., New York City, and that the said Morris Rahman often called for her at the place where she was boarding as often as three times a week and that deponent would remain with said Rahman over night and return to her boarding place in the next morning; that on one particular occasion Mrs. Rosa Cohn commenced with said Morris Rahman about keep-

" 5 ing deponent out all night, said Rahman made response in the presence and hearing of deponent, that he proposed to marry deponent; that she was his intended wife and that he had the right to stay out all night with deponent, as he was going to marry deponent soon, and deponent refers to the affidavit of Mrs. Rosa Cohn, hereto annexed, wherein said fact is more specifically set forth.

IV. Deponent further says that some time thereafter and about March, 1922, one William H. Metz, called at the house where deponent was boarding, and which was with one Mrs. Weinstein, at No. 42 Grand Street, and informed deponent

" 6 that one Mr. Jackson, desired to see deponent at the office of one Mr. Bienenstock, No. 114 Stanton Street, New York

city, to sign a certain paper and that he desired her to go at once; that deponent proceeded to said office of Dr. Blumenstock, and was there informed by said Mata, that Dr. Jackson had just left, whereas in truth and fact Dr. Jackson did not send for deponent and did not want her, nor had he been at said office; that when deponent was in said office, said Mata produced a paper, which deponent has since ascertained and written in the Yahoo language, and informed her to sign her name thereto, saying Dr. Jackson says you should sign it; that deponent signed within the said paper, not knowing the contents thereof, and the said paper, which paper deponent has since ascertained from her counsel consisted the following, ~~[illegible]~~

~~[illegible]~~.

New York, Mar. 12/08.

This is just what and how Dr. Jackson had instructed me.

Mary Kat he promised to marry me, and under this promise he had seduced me. This page corresponds with what I had promised me with Doctor Jackson.

I signed my name hereunto.

"Mary Kotchetsky"

" 8 V. That in reference to the statement in said paper contained deponent avers that it is totally and wholly false and untrue, that she did not know the contents thereof when she signed it and had she known the contents would positively not have so and that she only signed it believing that it was all right, believing that a person who had befriended her, desired it to be signed, and that the same was signed by a trick and signed at the request of said

Katz who had said to deponent on the journey to the said Dr. Rosenwinkel's office that she ought to make someone marry her.

" 9 VI. That thereafter and on or about the 6th day of July, 1934, deponent was arrested on the charge of perjury in having sworn falsely to the complaint in the civil action brought in the City Court of New York, to which deponent ~~[illegible]~~ was plaintiff and Harris Katzman defendant, and which complaint is hereinbefore more particularly referred to, and that on the 10 day of July, 1934, the said Dr. Jacob Isaacson was arrested charged with subornation of perjury in having (as aforesaid) obtained deponent to swear falsely to the complaint in said civil action, and that deponent was produced and also Dr. Isaacson, upon the exhibit of Harris Katzman and William [illegible].

" 10

VII. That [illegible] the [illegible] in the [illegible] of said William [illegible], and which said affidavit is now on file in the office of the Clerk of the City and County of New York, together with the affidavit of Dr. [illegible] and other [illegible], and that said affidavit, amongst other things, contained false and wrongful false statements, and that there is not one word of truth in the contents of said affidavit, that deponent never held any conversation with said Katz in her life except on the day when she went to the office of Dr. Isaacson, the Katzman Tailors, as hereinbefore set forth, and that she never uttered the words to the living and concerning Dr. Isaacson as stated in the affidavit of Katz, for the said affidavit

" 11

of Katz is false and untrue and that no such statement as stated by Katz was made by deponent to him or any other person.

VIII. That the affidavit of said [illegible] then forth the Deponent deponent was his and informed him that that she

" 12 [illegible] in the complaint in the civil action was untrue and [illegible] Dr. Tenison told him to do so, and to say that he (Dr. [illegible]) [illegible] under pressure of threatening and that Dr. Tenison told deponent she could make $5,000, out of [illegible] which [illegible], which [illegible] by Katz, [illegible] the [illegible] of her [illegible] and [illegible] to by Katz [illegible], and that his affidavit is [illegible].

IX. Deponent further [illegible] the affidavit of Dr. Blumenthal [illegible] said [illegible] as part-

" 13 [illegible] and [illegible] words, [illegible] thereof [illegible]; that [illegible] conversation which said Dr. [illegible] at the office or any other place in reference to Dr. [illegible] said [illegible] which said [illegible] that Dr. [illegible] (Dr. [illegible]) and [illegible] to the proper [illegible] informed to me, which was when said Katz [illegible] to deponent that Dr. Jackson desired to see her at Dr. Blumenthal's office.

X. That thereafter and about July [illegible], 1905, after an

" 14 examination by the said Dr. Tenison duly had, he was discharged by Dr. Justice [illegible] sitting in the Tombs Police Court upon the charge as aforesaid.

XI. That upon deponent's examination before the Police Magistrate she in writing [illegible] that [illegible] guilty because I was told to do so by Dr. Jackson. This deponent swears in [illegible] manner to [illegible] deponent by Dr. Jackson; [illegible] intimidated by [illegible] the Judge [illegible] would very [illegible] Nor did deponent know that such writings signed by her contained such statement

p. 15 [illegible] her arraignment before the Police Court, she was asked "Is that true", which is [illegible] certain powers he had in his hand [illegible], and understanding the question [illegible], and not [illegible], that he referred to [illegible] "Yes".

XII. Now deponent has been [illegible] the Grand Jury of this County [illegible] said indictment is still pending, [illegible] falsely to the [illegible] mentioned.

p. 16 XIII. [illegible] that [illegible] who has known Dr. Jackson [illegible] deponent to swear [illegible] whatsoever [illegible]; that deponent gave and surrendered her virtue [illegible], and since that time he has [illegible] deponent when in his presence [illegible] over her actions, and has done [illegible], and that he was he who obtained deponent [illegible] falsely, and not Dr. Jackson.

XIV. Deponent further says that she is now a married woman and resides with her husband at the place aforesaid

1219

Fanny Silkman

H. J. Marston,
Notary Public
N.Y. Co.

POOR QUALITY ORIGINAL

1220

[illegible]. 1 COURT OF [illegible]

[illegible]

[illegible],

v.

[illegible].

[illegible]

[illegible], being duly sworn,

[illegible]:

I. [illegible] in the above [illegible] No. [illegible]

II. [illegible] defendant's [illegible] with a sub- [illegible] would not [illegible].

III. [illegible] that he [illegible], [illegible] that on [illegible] if he had to go to jail he would ~~[illegible]~~ choose [illegible] would be [illegible] for

#3 pushing the case against him; that the said Levy then in-
[illegible] that [illegible] with who
[illegible] the life of [illegible] devotion
[illegible], [illegible] said, that
[illegible] the said Levy, [illegible] believed that
[illegible] upon his person.

III. [illegible] further says that on June 6th, 1926, said
Levy did [illegible] the case and was dismissed by Mr.
[illegible] the property to the defendant with
[illegible] that the said case was called
4 [illegible] the said, [illegible] Ninth of June,
[illegible], the [illegible] was for the 10th per-
[illegible], [illegible] Mr. Levy as aforesaid.

V. [illegible] on the 10th day of June, [illegible] Friend,
[illegible], [illegible] on [illegible] [illegible] ad-
journed, [illegible] on the 10th day of June,
[illegible] nothing to
do [illegible], [illegible] defend-
ant's [illegible], [illegible] be terms,
[illegible] the case was marked fo
[illegible], [illegible] defend be-
#5 [illegible] brought, he left [illegible] and within one hour
[illegible] the court room [illegible] appeared, rep-
[illegible] Goldstein, presenting affidavit that the
defendant was sick in bed, but [illegible] Justice Mr. Garthy re-
fused to [illegible] adjournment, and an inquiry was taken on
the 11th day of June, 1926, before a Jury, and a verdict
for plaintiff rendered for $500.

VI. Deponent further says that the arrest of the defend-

" 6 ant in the opinion of the defendant, [illegible] of the vile conspiracy which defendant expects to prove on the trial of the charge against the defendant ; [illegible] in permitted seventeen days to adjust [illegible] nothing in the matter shown [illegible] in the City Court of New York and on the 16th day of July 1895 the defendant was permitted to depend on the payment of $50 costs which has not been paid

Sworn to before me this 16th day of July, 1895.

Joseph A. Green

Philip J. Pitt
Comr. of deeds
cus City Ct

Vol. 1 [illegible]

[illegible]

[illegible]
[illegible]
[illegible]

[illegible]

[illegible]

I. [illegible] been [illegible] York, [illegible] Mayor Vaughan, [illegible] York City, [illegible] to any of [illegible].

II. [illegible] above named [illegible] with [illegible] herein [illegible] fendant herein [illegible] complained [illegible].

III. [illegible] ant herein [illegible] as aforesaid, [illegible] ponent's home, would [illegible] o'clock in the morning of the next day, [illegible] ponent remonstrated with [illegible] his actions the said complainant [illegible] had promised to marry the [illegible]

that she was his intended wife, and that he had a right to stay out all night with her as they were going to be married soon.

IV. That in the Spring of 1934, deponent noticed that that the girl Tenny was big with child and spoke to her about it, and said Tenny stated to deponent that the defendant herein had sexual intercourse with her and had seduced her under promise of marriage.

V. That the defendant herein visited at deponent's home, deponent spoke to him and stated to him that the plaintiff herein had told her, to wit; that the defendant herein had seduced her the plaintiff under promise of marriage, and that the defendant herein admitted that the same was true, that he was in fact about to be married to marry her.

VI. That about the month of April, 1935, deponent made an affidavit in this action which was used upon the defendant herein was arrested, and deponent now again reiterates the statements in said affidavit contained and the truth of the same.

VII. That some time thereafter the defendant herein procured a warrant for the arrest of the plaintiff herein on the charge of perjury, and also for one Dr. Lewis Jackson, for subornation of perjury thereof, charging and alleging, that the plaintiff herein, falsely and willfully swore to the complaint in this action, and that the said Dr. Jackson, falsely and willfully procured the plaintiff to make such complaint and swear to the same; that thereafter and on or about July 10th, 1935, defendant herein was arrested as well as the said Dr. Jackson and that deponent was called

as a witness upon the examination upon the said charge; that upon such examination said Dr. Jackson was honorably discharged on the 13th day of July, 1893, by Mr. Justice [illegible], sitting in the Tombs Police Court; that before his discharge, and while the examination was still pending having been adjourned and after defendant's had given a portion of her testimony, the defendant Lorain, called personally to [illegible] and requested defendant to testify against said Dr. Jackson, and for and on behalf of said defendant Lorain, and [illegible] the plaintiff herein, and that the defendant herein stated to defendant that he would procure a large sum of money to testify against the plaintiff and witness said Jackson, and further stated to defendant that he, and friends of his, had arranged to charge the plaintiff and the said Jackson with this alleged crime as the said Jackson was the only person who stood in the way of defendant and who prevented the defendant from procuring his divorce, so enable him to procure medicine, and that it was upon which future career would depend upon the sending the plaintiff and said Jackson to prison; that thereupon defendant told defendant that she would not swear falsely for all the money in the world, and told the defendant that he should not do so and that he had secured the plaintiff herein under pretense of marriage.

Sworn to before me this 10th day of July, 1895, and before making her mark the said deponent of the foregoing affidavit was fully translated to her by me, after she swore to the truth of the same.

August Mayer,
Notary Public
N.Y. Co.

her
Rosa + Colin
mark

Fol. 1 COURT OF [illegible] SESSIONS [illegible] PEACE
OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE &c.,

against

FANNY ROSENBERG.

CITY AND COUNTY OF NEW YORK, ss:

PHILIP ADLER, being duly sworn, deposes and says

I. That he resides at No. 144 Delaney Street in the City of New York, and is personally acquainted with the defendant in the above entitled action as well as with the complainant herein.

II. That about [illegible] 1, 1900, between one [illegible] o'clock, P.M. [illegible] herein, in [illegible] defendant's place of [illegible] and [illegible] conversation with him. That [illegible] herein, [illegible] question [illegible]

" 2 to him by deponent [illegible] not [illegible] of the girl as her [illegible] and [illegible] [illegible] and [illegible] that it was his intention to put up a job on the defendant herein and one Mr. Jackson, and that he and his friends were [illegible] and would fix the girl and the said Mr. Jackson before long. That the said complainant further stated to deponent that his friends who were assisting him had procured a paper from the girl in which the girl stated that Mr. Jackson had told her to say to that which she had already sworn, that they got the paper from her by a trick, that before long they would have the girl and Mr. Jackson in jail.

III. That the said complainant Behrman further stated to

" 3. deponent since the [illegible] was [illegible] out of the sample with the plaintiff was by [illegible] for Mr. Jackson and the plaintiff and when he [illegible] heard his last letter and thought he [illegible] to it.

IV. [illegible] deponent [illegible] interested in this [illegible], and is not related to either party nor with the said Mr. Jackson, [illegible].

Sworn to before me this
15th day of [illegible], [illegible]

Philip Adler

C. L. Coffeman
Comm. of Deeds.
City & County of New York.

2

SIR:

You will please take notice that the within is a true copy of an this day duly made and entered in this action and filed in the office of the Clerk of this Court.

Dated N. Y., 189

Yours, &c.,

JOS. I. GREEN,

Att'y for

P. O. and Office Address, 280 Broadway, N. Y. City.

To

Esq.,

Att'y for

Court of General Session

People &c. Plaintiff

against

Fanny Kochnofsky

Defendant.

Copy

Affidavits & Notice of Motion

JOSEPH I. GREEN,

Attorney for deft.

[Stewart Building.]

No. 280 BROADWAY,

New York City.

To

Attorney for

Due and timely service of a copy of the within is hereby admitted this day of 189

Attorney for

Form 32.

~~New York~~ City Court of New York

Fanny Koschuchosky

Plaintiff

against

Morris Behrman

Defendant

Certificate of Service of Order of Arrest, Affidavit, Summons and Complaint.

City and County of New York, ss:

I Certify, that on the 25th day of April 189 3, at the City and County aforesaid, under and by virtue of the order of arrest issued and delivered to me in the above-entitled action, I arrested Morris Behrman

the above-named defendant and at the same time delivered to him a copy of said order, and of the affidavit and undertaking upon which the same was granted.

I further Certify, that at the same time and place, I served upon the said defendant a copy of the annexed summons, together with a copy of the complaint hereto annexed, by delivering to the said defendant personally, the said copy summons and copy complaint, and leaving the same with him

~~Fees, $~~

Thos. J. Gordon

Sheriff.

Frank J. Walgering

Deputy

1230

Summons.—81. John Polhemus, Printer and Mf'g Stationer, 102 Nassau St., N. Y.

City Court of New York

Fannie Koschnofsky
Plaintiff

against

Morris Behrman
Defendant

Summons ~~with Notice.~~

To the above named Defendant

You are hereby Summoned to answer the complaint in this action, and to serve a copy of your answer on the Plaintiff's Attorney within ~~twenty~~ days after the service of this summons, exclusive of the day of service; and in case of your failure to appear, or answer, judgment will be taken against you by default, for the relief demanded in the complaint.

Dated N.Y. April 3rd *189*3

Isaac McAvoy
Plaintiff's Attorney

Office and Post Office Address,
No. 1515 First Ave.
New York

Fol. 1.

City Court of New York.

Fannie Koschnofsky
Plaintiff.
against
Morris Behrman
Defendant

The Complaint of the plaintiff against the defendant, respectfully shows

I That on or about the fifth day of August 1891, this plaintiff became acquainted with the above named defendant; that thereafter defendant visited plaintiff several times, and paid marked attention to her; and that on or about the Third day of September 1891, this defendant proposed marriage to this plaintiff, which proposition was favorably received by her.

II That thereafter and on or about the 10th day of September 1891, defendant gave plaintiff a ring, and told her that now they were mutually engaged to be married, in about two months from the date of their engagement

III. That plaintiff and defendant were continually in each others company, and defendant took her out to public places and the homes of friends, and always introduced plaintiff as his intended wife, and defendant was introduced by plaintiff as her intended husband, which introductions, defendant always received and acknowledged.

IV. That plaintiff relying on said promise of marriage, made to her by defendant, expended time, labor and money in preparing for her said betroval to defendant, and was ready and willing and able to be married to this defendant on the day hereinbefore set forth, but this defendant utterly failed, neglected and refused to marry this plaintiff and still refuses to do so, and offers no reason for so doing.

3

V. That during the month of October 1891, on several occassions, this plaintiff at the earnest solicitations of defendant and on his promise to marry her, had sexual intercourse [illegible]

VII. That thereafter plaintiff became pregnant and quick with child, as the result of such sexual intercourse with defendant, and during the Month of July 1892, gave birth to a child at the Maternity Hospital, New York City, which child died eleven days after its birth.

VIII. That plaintiff, in consideration of said promise of marriage, made to her by defendant, remained single and unmarried, and is still single and unmarried.

VIIII. That plaintiff has always been ready to perform her part of the marriage contract, hereinbefore described, and is now able and willing to marry the defendant.

IX. That plaintiff has been disgraced, and greatly injured both in body and mind, to her damage, owing to defendant's actions.

X. That in consideration

premises, plaintiff was damaged in the sum of Five thousand Dollars.

Wherefore plaintiff demands judgment against the defendant for the said sum of Five thousand Dollars, besides the costs and disbursements of this action.

Isaac W Aron
Plff's Attorney,
1515 Lincoln Ave
New York

State of [illegible] County of New York ss:

Fannie Koschnofsky, being duly sworn, deposes and says; that she is the plaintiff herein; that she has heard read the foregoing Complaint and knows the contents thereof; that the same is true of her own knowledge, except as to those matters, which are therein stated to be alleged upon information and belief, and as to those matters, she believes it to be true.

Sworn to before me this 3rd day of [illegible]

Fanny Koschnofsky

Simon Kopelman
Com of Deeds, N.Y. Co.

City Court of New York

Fannie Kochnofsky

— vs —

Morris Behrman

Stipulation of Complaint and

Isaac M. Aron
Plff's Attorney
1575 Lenox Ave.
Bronx

Exhibit on the
case of
Plff
vs
Fanny Kochnofsky

* 360

J. Y. JOHNSTON & CO., 23 MURRAY ST. N. Y.

GRAND JURY ROOM.

PEOPLE

vs.

1238

Fanny Moczinoky
[illegible] 203
[illegible]

" 1 COURT OF GENERAL SESSIONS OF THE PEACE,

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE, ETC.,

against

FANNY ROSENNOFSKY.

Sir:

YOU WILL PLEASE TAKE NOTICE, that upon the annexed affidavits of Fanny Silberman, (formerly Fanny Rosennofsky,) Joseph I. Green, Rosa Cohn and Philip Adler, all duly verified, and upon the indictment herein and plea of not guilty thereto, and upon all the papers and proceedings herein, the undersigned will move this Court at a Session thereof, to be held in Part I thereof, at the Criminal Court Building, Centre Street between Leonard and Franklin Streets, New York City, on the 19th day of July, 1895, at

" 2 10:30 o'clock, in the forenoon of that day, or as soon thereafter as counsel can be heard, that the indictment filed by the Grand Jury of the City and County of New York, on the 10th day of July, 1893, against the above named defendant for Perjury, be dismissed, and that she be discharged from custody, and that the bail heretofore given for the defendant be exonerated from any and all liability thereon or thereunder, and for such other and further relief as to the Court may seem just and proper.

Dated, New York, July 1st, 1895.

Yours &c.,

JOSEPH I. GREEN,
Attorney for defendant,
230 Broadway,
New York City.

To:
JOHN R. FELLOWS, ESQ.
District Attorney,
City & County of New York,

" 3

[illegible]

[illegible]

[illegible]

Samuel [illegible]

I. [illegible]

" 2 II. [illegible]

" 3 [illegible]

avers that the said Morris Behrman is the father of her child, which child has since died, and that he did under promise of marriage seduce deponent and that deponent never had sexual intercourse with any man except the said Morris Behrman, and deponent makes the original complaint in the said action in the City Court of New York, which is now on the file in the office of the District Attorney, of the
" 4 City and County of New York, part of this affidavit and refers to the same as part hereof.

III. Deponent further says that in the winter of 1891, she boarded with one Mrs. Rosa Cohn, at No. 178 Allen Str., New York City, and that the said Morris Behrman often called for her at the place where she was boarding as often as three times a week and that deponent would remain with said Behrman over night and return to her boarding place in the next morning; that on one particular occasion when Mrs. Rosa Cohn remonstrated with said Morris Behrman about keep-
" 5 ing deponent out all night, said Behrman made response in the presence and hearing of deponent, that he promised to marry deponent; that she was his intended wife and that he had the right to stay out all night with deponent, as he was going to marry deponent soon, and deponent refers to the affidavit of Mrs. Rosa Cohn, hereto annexed, wherein said fact is more specifically set forth.

IV. Deponent further says that some time thereafter and about March, 1895, one William H. Katz, called at the house where deponent was boarding, and which was with one Mrs. Weinstein, at No. 63 Canal Street, and informed deponent
" 6 that one Dr. Jackson, desired to see deponent at the office of one Dr. Bienenstock, No. 64 Stanton Street, New York

City, to sign a certain paper and that he desired her to go at once; that deponent proceeded to said office of Dr. Diamenstock, and was there informed by said Katz, that Dr. Jackson had just left, whereas in truth and fact Dr. Jackson did not send for deponent and did not want her, nor had he been at said office; that when deponent was in said office, said Katz produced a paper, which deponent has since ascertained was written in the Hebrew language, and informed her to sign her name thereto, saying Dr. Jackson,

" 7 says you should sign it; that deponent without reading the said paper, nor knowing the contents thereof, signed the said paper, which paper deponent has since ascertained from her counsel contained the following, ~~and which paper is referred to in defendant's moving papers as Exhibit "E"~~.

New York, Mch. 11/93.

This is just what and how Dr. Jackson had instructed me.

Namely that he Pehrman had promised to marry me, and under this promise he had seduced me. This just corresponds with what I had prearranged with Doctor Jackson.

I sign my name hereunto.

"Fanny Kotchowsky"

" 8 V. That in reference to the statement in said paper contained deponent avers that it is totally and wholly false and untrue, that she did not know the contents thereof when she signed it and had she known the contents would positively not done so and that she only signed it believing that it was all right, believing that a person who had befriended her, desired it to be signed, and that the same was signed by a trick and signed at the request of said

Katz who had said to deponent on the journey to the said Dr. Dienenstock's office that she ought to make Lehman marry her.

" 9 VI. That thereafter and on or about the 8th day of July, 1893, deponent was arrested on the charge of perjury in having sworn falsely to the complaint in the civil action brought in the City Court of New York, in which deponent ~~xxxxxxx~~was plaintiff and Morris Lehman defendant, and which complaint is hereinbefore more particularly referred to, and that on the 10 thday of July, 1893, the said Dr. Roper Jackson was arrested charged with subornation of perjury in having (as charged) obtained deponent to swear falsely to the complaint in said civil action, and that de-

" 10 ponent was arrested and also Dr. Jackson, upon the complaint, of Morris Lehman and William H. Katz,.

VII. That attached to the papers on said complaint for perjury and subornation thereof is the affidavit of said William H. Katz, and which said affidavit is now on file in the office of the District Attorney of the City and County of New York, together with the affidavit of one Dr. Dienenstock and also Morris Lehman, and as to said affidavit of Katz, deponent avers that the same is entirely and utterly false and untrue, and that there is not one word of

" 11 truth in the whole of said affidavit, that deponent never held any conversation with said Katz in her life except on the way when she went to the office of Dr. Dienenstock, 84 Stanton Street, as hereinbefore set forth and that she never uttered the words to any living soul concerning Dr. Jackson as stated in the affidavit of Katz, for the said affidavit

of Katz is false and untrue and that no such statement as stated by Katz was made by deponent to him or any other statement.

VIII. That the affidavit of said Katz sets forth the fact "that deponent met him and informed him that what she

" 12 swore to in the complaint in the civil action was untrue and that Dr. Jackson told her to do so, and to say that he (Dr. Jackson) seduced deponent under promise of marriage and that Dr. Jackson told deponent she could make $5,000, out of Johnson if she did as said to do so, which she did as averred by Katz", that deponent again, recognizing the solemnity of an oath and in the presence of her mother swears that she never had the conversation sworn to by Katz as had, and that his affidavit is the vilest perjury.

IX. Deponent further says that as to the affidavit of Dr. Blumenstock wherein the affidavit of said Katz is part-

" 13 ially corroborated, and as to each and every part thereof the same is false and untrue; that she had no conversation with said Dr. Blumenstock whatsoever at his office or any other place in reference to Dr. Jackson but only that said Blumenstock with said Katz stated to deponent that Dr. Jackson had just left (meaning Blumenstock's office) and that he left word for her to sign her name to the paper hereinbefore referred to and which was when said Katz falsely stated to deponent that Dr. ~~Xxxxxxxxxx~~ Jackson desired to see her at Dr. Blumenstock's office.

X. That thereafter and about July 15th, 1893, after an

" 14 examination by the said Dr. Jackson duly had, he was discharged by Mr. Justice Meade sitting in the Tombs Police Court upon the charge as aforesaid.

XI. That upon deponent's examination before the Police Magistrate she in writing stated that " I am not guilty because I was told to do it by Dr. Jackson". This deponent avers is false and untrue in so far as it charges deponent or Dr. Jackson with offense; that she was informed by Bohnman and was told if she said that to the Judge everything would be all right and that Bohnman would marry her; but deponent had no idea of swearing to a statement such as that, how did deponent know that such writing signed by her contained such statement

" 15 That deponent at the time of her arrangement before the Police Justice, she was asked "Is that true", the Judge referring to a certain papers he had in his hands and deponent believing, not understanding the English language, and not reading it, that he referred to her charge against Bohnman, and said "Yes".

XII. That deponent has been indicted by the Grand Jury of this County for perjury and that said indictment is still pending, charging that deponent swore falsely to the summons and complaint in the civil action before mentioned.

" 16 XIII. Deponent further says that since she has known Dr. Jackson at no time has he requested deponent to swear falsely or make any statement of any kind whatsoever but what was absolutely true; that deponent gave and sacrificed her virtue for Morris Bohnman, and that since that time he has exercised such influence over deponent when in his presence that she entirely losses control over her actions, and has done his bidding, and that he was he who obtained deponent to state things falsely, and not Dr. Jackson.

XIV. Deponent further says that she is now a married woman and resides with her husband at the place aforesaid

that she is [illegible] to become a mother, and is desirous of [illegible] such [illegible].

Defendant further [illegible] on her behalf, as if [illegible] her [illegible] of Dr. Joseph L. Green, [illegible].

[illegible], defendant [illegible] the [illegible] and [illegible] the [illegible], [illegible] [illegible] bill.

Sworn to before me this 6th day of [illegible], 1944.

Fanny Silberman

H T Marston
Notary Public
NY Co

Vol. 1 COURT OF GENERAL SESSIONS OF THE PEACE,

OF THE CITY [illegible] NEW YORK.

[illegible], No.,

v.

[illegible],

[illegible]

[illegible] I. [illegible], [illegible] sworn,

deposes and says:

I. [illegible] in the above entitled action, [illegible] No. 250 [illegible], [illegible].

II. [illegible] on the [illegible] day of March, [illegible], [illegible] the complainant [illegible] ([illegible] York) for [illegible], [illegible] Defendant's [illegible], Mr. [illegible], [illegible] Court stated to Mr. [illegible] that the defendant refused to come to Court, that he had been [illegible] served with a subpoena, but notwithstanding that the defendant sent back word (as stated in court by Mr. [illegible]) that he would not come.

III. [illegible] said Mr. [illegible] in the Court that he informed the defendant that if he did not come to Court, there would be taken against him a judgment and that on that he would be arrested and confined in Ludlow Street Jail; and that thereupon the defendant stated that if he had to go to Jail he would [illegible] the jail, and it would be the Tombs, and that he would kill deponent on sight for

"3 pushing the case against him; that the said Levy then informed the Court that he had informed the defendant that he must get other counsel as he could not [illegible] with the case of a man who threatened the life of [illegible] for devotion to his client's interests, and deponent further says, that he was informed by said Levy, that he verily believed that his client intended to carry out his threats.

IV. Deponent further says that on June 6th, 1898, said Levy withdrew from the case and was informed by Mr. Justice Marthy to send the papers to the defendant with notice to get other counsel; that the said case was called

" 4 and returned ready on the third, [illegible] and fifth of June, on which day, the Justice marked the case for the 10th peremptorily, after having instructed Mr. Levy as aforesaid.

V. That on the 10th day of June, [illegible] Friend, House & Grossman, interested in Court [illegible] an adjournment, which was refused and on the 10th day of June, he withdrew from the case saying he could have nothing to do with it, and on [illegible] day, in the morning the defendant appeared, as deponent has since learned and believes, and when the Justice announced that the case was marked for an inquest, but the defendant could come in [illegible] defend be-

" 5 fore the inquest, he left near [illegible] and within one hour after he left the court room a new attorney appeared, representing a Mr. Guldsticke, presenting affidavit that the defendant was sick in bed, but Mr. Justice Mr. Marthy refused to grant an adjournment, and an inquest was taken on the 11th day of June, 1898, before a Jury, and a verdict for plaintiff rendered for $500.

VI. Deponent further says that the arrest of the defend-

6 [illegible] and in the opinion of the Judgment, [illegible] results [illegible] with
complaintiff [illegible] defendant [illegible] to move on the [illegible] of
[illegible] ; [illegible]
[illegible] of New York on the 6th day of July 1895 the defendant was
permitted to defend on payment of $50 costs which have been paid

16th

Joseph O. Green

Philip J. Britt
Comr. of deeds
My City & Co

Fol. 1 COURT OF GENERAL SESSIONS OF THE PEACE

OF THE CITY AND COUNTY OF NEW YORK.

THE PEOPLE &c.

against

FANNY MOSCHOWSKY.

CITY AND COUNTY OF NEW YORK, ss:

ROSA COHEN, being duly sworn, deposes and says:

I. That she is a married woman, ~~undxe~~ and resides with her husband at No. 176 Allen Street, in the City of New York, and that she is personally acquainted with the parties in the above entitled action as well as with one Dr. Meyer Jackson, who resides at No. 352 East 78th Street, New York City, and that deponent is not related in any manner to any of the persons before mentioned.

II. That in the winter of the year 1891, the plain

" 2 above named boarded with deponent and continued to board with deponent for about [illegible] and while the defendant herein xboarded with deponent, she was visited by the defendant herein as often as three times a week, while she continued to board with deponent.

III. That often in evenings about 8 P. M. the complainant herein would call for the defendant at deponent's home as aforesaid, and after remaining out all night, from deponent's home, would return with the defendant about nine o'clock in the morning of the next day , and that when ~~xde~~ deponent remonstrated with complainant as she often did, for his actions the said complainant stated to deponent that he

" 3 had promised to marry the defendant Fanny as he called her,

that she was his lawful wife, and that he had a right to live and remain with her as long as they both lived and to be married to her.

IV. That in the spring of 1[illegible], deponent learned that [illegible] was living with child and spoke to her about it, and said Henry stated to deponent that the defendant Lorain had access intercourse with her and had seduced her under promise of marriage.

V. That when defendant Lorain again called at deponent's house, deponent spoke to him and charged to him that the plaintiff herein and he had been married, and he; that the defendant Lorain had then put in effect under promise of marriage, [illegible] and that if he would right by her and be married to her.

VI. [illegible] 1[illegible], 19[illegible], deponent made an affidavit in this action, which was used when the defendant Lorain was arrested, and deponent made certain statements which appeared in said affidavit contained from the truth of the case.

VII. That on said affidavit the defendant Lorain procured a warrant for the arrest of the plaintiff and on the charge of perjury, and also for said Dr. Oscar Jackson, for abortion at Kansas City, Missouri, and charging, that the plaintiff herein, falsely and criminally swore in the complaint in this action, and that the said Dr. Jackson, feloniously and willfully procured the plaintiff to make such complaint and swear to the same; that thereafter and on or about July 10th, 1910, ~~plaintiff~~ defendant Lorain was arrested as well as the said Dr. Jackson and that deponent was called

as a witness upon the examination [illegible] on the said charge; that upon such examination said Mr. Jackson was honorably discharged on the 15th day of July, 1895, by Mr. Justice [illegible], sitting in the Tombs Police Court; that before his

" 6 discharge, and while the examination was still pending [illegible] and after deponent's had given a [illegible], the defendant herein, called per[illegible] and requested deponent to [illegible] said Mr. Jackson, and for and on [illegible] the plaintiff herein, [illegible] that [illegible] and further stated [illegible] and arranged to [illegible] with this alleged

" 7 [illegible] about [illegible] of defendant and [illegible] the defendant [illegible] deponent, to [illegible] future career would depend [illegible]; that there [illegible] that she would not swear [illegible] in the world, and told the defendant [illegible] that she had de[illegible].

Sworn to before me this 10th day of July, 1895, and before making her mark the contents of the foregoing affidavit was fully translated to her by me, after she swore to the truth of the same.

Rosa her x Cohn mark

" 8

August. Mayer
Notary Public
NY Co

Fol. 1 COURT OF GENERAL SESSIONS OF THE PEACE
OF THE CITY AND COUNTY OF NEW YORK.

[illegible] PRODUCE Co.,

Plaintiff

[illegible] PRODUCE CO.,

CITY OF NEW YORK, ss:

[illegible], being duly sworn, deposes and says

I. That he resides at No. 144 Delancey St, in the City of New York, and is acquainted with the defendant in this action and [illegible] with the complaint herein.

II. That [illegible] of May, 1[illegible], between one Morris [illegible], and defendant's [illegible] conversation

" 2 [illegible] question put to [illegible] of the girl [illegible] hin intention [illegible] job on the defendant herein and one Dr. Jackson, [illegible] and would fix [illegible] Jackson before long. That [illegible] discovered that his friends who came [illegible] had procured a paper from the court in which [illegible] Dr. Jackson had told her to say to that which [illegible] swore, that they got the paper from her by a trick, that before long they would [illegible] Dr. Jackson in jail.

III. That the said complainant Behrman further stated to

" 3 deponent that the only way he could get out of the scrape with the plaintiff was by putting up a job on Dr. Jackson and the plaintiff and that he would spend his last dollar and devote his life to do it.

IV. That deponent has no interest in this case, and is not related to either party nor with the said Dr. Jackson, in any manner whatsoever.

Sworn to before me this: 15th day of June, 1883

Philip Adler.

S. I. Kopelman
Com of deeds
City & Co of New York

Court of Sessions

People

Plaintiff

against

Fanny Koschnofsky

Defendant.

Copy

Affidavits & Notice of motion

JOSEPH I. GREEN,

Attorney for deft.

[Stewart Building.]

No. 280 BROADWAY,

New York City.

To Hon John R. Fellows
Dist Atty NY
~~Attorney for~~
Gen. Franklin & Centre Sts NY City

Due and timely service of a copy of the within is hereby admitted this day of 189

Attorney for

SIR:

You will please take notice that the within is a true copy of an this day duly made and entered in this action and filed in the office of the Clerk of this Court.

Dated, N. Y., 189

Yours, &c.,

JOS. I. GREEN,

Att'y for

P. O. and Office Address, 280 Broadway,

N. Y. City.

To

Esq.,

Att'y for

District Attorney's Office,
City & County of
New York.

October 15, 1895. 189

People v. Fanny Koschnofski.

Frank Moss, Esq.,

93-99 Nassau St., City.

Dear Sir:-

Col. Townsend has just handed to me your letter addressed to him under date of October 1st, in reference to the above matter. I was not previously aware that you had any interest in the case, and write immediately to inform you that a motion has been made -- returnable on Thursday morning at eleven o'clock in part I of the General Sessions -- to dismiss the indictment. From the affidavits upon which the motion is based, it seems to me very doubtful whether a conviction could be had; indeed, I am inclined to the opinion that the defendant is not guilty. I will be glad to confer with you, however, in reference to the matter, if you should desire to call upon me for that purpose.

Yours truly,

Asst. Dist. Atty.

Subpœna—Duces Tecum.—7973. John Polhemus Printing Company, Printers and Mf'g Stationers, 121 Fulton St., N. Y.

The People of the State of New York

To clerk of the District Attorney.

GREETING:

We Command You, that all business and excuses being laid aside, you appear and attend before Hon. Wm. M. K. Olcott one of the justices of this Court, at a trial term thereof to be held in Part I thereof in the Brownstone Building in the Borough of Manhattan

on the ~~thirteenth (13)~~ Fourteenth (14) day of April 1898 at ten (10) o'clock in the fore noon, to testify and give evidence in a certain action now pending undetermined in the said Court, between Morris Behrman, plaintiff and Fanny Koschnofsky et al

defendant on the part of the plaintiff and that you bring with you, and produce at the time and place aforesaid, a certain complaint in an action entitled Fanny Koschnofsky against Morris Behrman, and a certificate of John J. Gorman Sheriff, attached thereto, said papers being on file with the indictment against Fanny Koschnofsky filed July 18, 1893.

now in your custody, and all other deeds, evidences and writings, which you have in your custody or power, concerning the premises. And for a failure to attend, you will be deemed guilty of a contempt of Court, and liable to pay all loss and damages sustained thereby to the party aggrieved, and forfeit FIFTY DOLLARS in addition thereto.

Witness, Hon James M Fitzsimons, Chief Justice of said Court April 13/95

Thos F Smith Clerk.

S B Brague
Geo B Nichols Attorney.

B.

Behrman

vs

Kochnofsky

Part I City

Court - April

14/98

10 oz.

All dates are in charge of James Owens

COURT OF GENERAL SESSIONS OF THE PEACE
In and for the City and County of New York.

THE PEOPLE &c.

against

F A N N Y K O S C H N O F S K Y

City and County of New York, ss:

MOSES J. JACKSON, being duly sworn, deposes and says:

That he is a duly licensed and practicing physician and surgeon, and that his office address is No. 125 East 84th Street, in the City and County of New York.

That he is acquainted with the defendant above named, and has known her for about three years, and that deponent is also acquainted with one Dr. Morris Behrman, the person upon whose complaint the indictment herein was based.

That about the latter part of the year of 1891, said Morris Behrman came to deponent, and informed him that he was in trouble with a girl; that he had seduced her under promise of marriage, that he needed money, and if deponent would help him, he could get out of it allright, as he thought that with money, he could settle with the girl.

That at that time deponent was not acquainted with the defendant above named, and asked said Behrman why he didn't marry her, and that said Behrman informed him (deponent) that she was a respectable girl when he met her, but that he did not want to marry her, and that he wanted to get out of it, on account of his family.

That deponent thereupon loaned to said Behrman, the sum of One hundred and fifty dollars, for the purposes as aforesaid, and that deponent was compelled to sue the said Behrman for the money loaned as aforesaid, and that judgment was recovered thereon, in the City Court of New York, andwhich judgment is still unsatisfied of record.

Sworn to before me this 19th day of September, 1895: James J Jackson MD

E. VanDenoot

Commissioner of Deeds,

City & Co. of New York.

COURT OF GENERAL SESSIONS OF THE PEACE
In and for the City and County of New York.

THE PEOPLE &c.

against

FANNY KOSCHNOFSKY

City and County of New York, ss:

ISIDOR GOODMAN, being duly sworn, deposes and says:

That he resides at No. 332 East 78th Street, in the City and County of New York, and is acquainted with the defendant above named.

That deponent is employed by one Emil Roller, a Druggist, and is a junior clerk in said druggist's establishment at No. 1474 First Avenue, in said City.

That deponent is also acquainted with one Morris Behrman, the complaint herein, and has known him for some years, and that deponent on many occasions heard the said Behrman, introduce the defendant herein to various people as his intended wife, and deponent remembers on one particular occasion, at the home of Dr. Meyer Jackson, No. 328 East 78th Street, New York City, in the year 1891, at dinner ~~one night~~, at the home aforesaid, said Behrman introduced the defendant to all present as his intended wife. And that at the time of said introduction as aforesaid, said Behrman was residing at the same place as deponent, to wit, 328 East 78th Street, New York City; and that deponent on many occasions, at the request of said Behrman took notes and messages to the defendant for him, and that deponent was sent on very many occasions to the place of

abode of defendant down town in the City of New York, in the night time, to escort her up-town to meet said Morris Behrman, the complainant herein.

That deponent is not related to the defendant, nor interested in this case in any manner whatsoever.

Sworn to before me this : Isidor Leeds
19th day of September, 1895.:

E. Van Tassel

Commissioner of Deeds,

City & County of New York.

COURT OF GENERAL SESSIONS OF THE PEACE
In and for the City and County of New York.

THE PEOPLE &c.

against

FANNY KOSCHNOFSKY

City and County of New York, ss:

CARRIE JACKSON, being duly sworn, deposes and says; that she resides at No. 332 East 78th Street, in the City and County of New York, and that she is the wife of Dr. Meyer Jackson, a duly licensed and practicing physician in the City of New York.

That deponent is acquainted with the defendant above named, and also with Morris Behrman, the complainant herein and that in the year 189/, said Behrman resided in the home of deponent, and that on one occasion, at deponent's house, said Morris Behrman, introduced the defendant herein, to deponent, as his intended wife, and that said Behrman informed deponent that theyintended to be married soon.

That deponent has read the affidavit of Isidor Goodman hereto prefixed, and deponent avers, that said Goodman was present at the time said Behrman introduced the defendant herein as his intended wife, as stated in his affidavit.

Sworn to before me this
19th day of September, 1895.

Mrs Carrie Jackson

E. van Brunt
Commissioner of Deeds,
City & County of New York/

COURT OF GENERAL SESSIONS OF THE PEACE
In and for the City and County of New York.

THE PEOPLE &c.

against

FANNY KOSCHNOFSKY

City and County of New York, ss:

CARRIE JACKSON, being duly sworn, deposes and says; that she resides at No. 332 East 78th Street, in the City and County of New York, and that she is the wife of Dr. Meyer Jackson, a duly licensed andx practicing physician in the City of New York.

That deponent is acquainted with the defendant above named, and also with Morris Behrman, the complainant herein and that in the year 189/, said Behrman resided in the home of deponent, and that on one occasion, at deponent's house, said Morris Behrman, introduced the defendant herein, to deponent, as his intended wife, and that said Behrman informed deponent that theyintended to be married soon.

That deponent has read the affidavit of Isidor Goodman hereto prefixed, and deponent avers, that said Goodman was present at the time said Behrman introduced the defendant herein as his intended wife, as stated in his affidavit.

Sworn to before me this
19th day of September, 1895.

Mrs Carrie Jackson

E. Van Brunt
Commissioner of Deeds,
City & County of New York/

SIR:

You will please take notice that the within is a true copy of an this day duly made and entered in this action and filed in the office of the Clerk of this Court.

Dated, N. Y., 189

Yours, &c.,

JOS. I. GREEN,

Att'y for

P. O. and Office Address, 280 Broadway, N. Y. City.

To

Esq.,

Att'y for

General Sessions Court.

The People &c. ~~Plaintiff~~

against

Fanny Koschnofsky

Defendant.

original

Affidavits.

JOSEPH I. GREEN,

Attorney for Deft.

[Stewart Building,]

No. 280 BROADWAY,

New York City.

To

Attorney for

Due and timely service of a copy of the within is hereby admitted this day of 189

Attorney for

The People vs
vs
Koschnofsky

FRANK MOSS,
Counsellor at Law,
BENNETT BUILDING,
93-99 Nassau St.

New York, December 20, 1895.

John A. Lewis Esq.
Asst. Dist. Atty.
Dear Sir:-

In reference to the above entitled matter you wrote me some time ago that all proceedings remain in statu quo until the determination of the suit in the City Court of New York brought by Fanny Koschnofsky against Morris Behrman.

The suit was tried and on the 11th instant a verdict was rendered by the jury in favor of the defendant (Behrman)

Yours truly
Frank Moss.

Asst. Distr...

Dear Sir:-

I have had a conference with Mr. Green representing the above named defendant, who makes a proposition by which all pending litigations may be settled, and he will hold his motion awaiting our disposition of his proposition, so that there is no immediate need of action.

I will communicate with you soon.

Yours truly,

Exhibit "A"

Fol. 1.

City Court of New York.

Fanny Koschnofsky
Plaintiff.
against
Morris Behrman
Defendant

The Complaint of the plaintiff against the defendant, respectfully shows:

II. That on or about the fifth day of August 1891, this plaintiff became acquainted with the above named defendant; that thereafter defendant visited plaintiff several times, and paid marked attention to her, and that on or about the third day of September 1891, this defendant proposed marriage to this plaintiff, which proposition was favorably received by her.

III. That thereafter, and on or about the 10th day of September 1891, defendant gave plaintiff a ring, and told her, that now they were mutually engaged to be married, in or about two months, from the date of their engagement.

III. That plaintiff and defendant were continually in each others company; and defendant took her out to public places, and the homes of friends, and always introduced plaintiff, as his intended wife, and defendant was introduced by plaintiff, as her intended husband, which introductions, defendant always received and acknowledged.

IV. That plaintiff relying on said promise of marriage, made to her by defendant, expended time, labor and money, in preparing for her said betrothal to defendant and was ready, and willing and able, to be married to this defendant, on the day hereinbefore set forth, but this defendant utterly failed, neglected and refused to marry this plaintiff, and still refuses so to do, and offers no reason for so doing.

V. That during the month of October 1891, on several occasions, this plaintiff at the earnest solicitations of defendant and on his promise to marry her, had sexual intercourse with defendant

VII. That thereafter plaintiff became
4 pregnant and quick with child, as the result of such sexual intercourse with defendant, and during the month of July, 1892, gave birth to a child at the Maternity Hospital, New York City, which child died eleven days after its birth.

VIII. That plaintiff in consideration of said promise of marriage, made to her by defendant, remained single and unmarried, and is still single and unmarried.

VIII. That plaintiff has always been ready to perform her part of the marriage
5 contract, hereinbefore described, and is now able and willing to marry the defendant.

IX. That plaintiff has been disgraced, and greatly injured both in body and mind, to her damage, owing to defendants actions.

X. That in consideration of the premises, plaintiff was damaged in the sum of Five thousand Dollars.

Wherefore plaintiff demands judgment against the defendant, for the said sum of Five thousand Dollars, besides the costs and disbursements of this action.

Isaac W. Aron
Pltff's Attorney
1575 First Avenue,
N.Y. City.

City and County of New York ss:

Fanny Koschofsky, being duly sworn, deposes and says; that she is the plaintiff herein; that she has heard read the foregoing Complaint and knows the contents thereof; that the same is true of her own knowledge, except as to those matters, which are therein stated to be alleged upon information and belief, and as to those matters, she believes it to be true.

Sworn to before me this 3rd day of April 1893 } Fanny Koschofsky

Simon J. Kopelman
Com. of Deeds. N.Y.C.

(Dictated).

Law Office
Frank Moss,
James L. Henry.

Bennett Building,
Room 303,
93 Nassau Street,
New York

October 25th 1895

Dear Mr. Lewis:-

I send herewith some affidavits which ought to be sufficient to defeat the motion to dismiss the indictment. I can get a great deal more, but I don't think it necessary. I have gone quite deeply into the matter since I saw you and I tell you the girl is guilty and so is Jackson, and it can be proven.

Mr. Green was displeased because you notified me. He is anxious about this matter because he knows the conviction of the girl would be a step towards convicting Jackson.

The breach of promise case was on to-day. I was ready, but Green was not, and it was set down for the first Monday of November. I think that as that trial will bring out the whole matter,- this criminal trial might well wait for its determination. I am ready for the fight and mean to push it on.

As to the moving affidavits, excepting Mr. Green of course,- the affiants are unworthy of belief. I have found plenty of evidence against them, and can impeach them.

This is a very bad case for the District Attorney to allow to be dismissed or to be tried in a perfunctory manner. I know what is in it and what is behind it, and I take more than a mere business interest in it.

Very truly yours,

Frank Moss

John A. Lewis, Esq.,
Assistant District Attorney.

District Attorney's Office,
City & County of
New York.

October 15, 1895. 189

I do not see how you can consent to dismissal of the indictment, or how you can fail to beat the motion. The woman has publicly confessed her perjury, and her confession taken and sworn before Police Justice Meade is attached to the papers in the police court proceeding. The truth of the matter is, that her statement implicates a Dr. Jackson, who procured her to commit the perjury, and who has been moving in all ways to save the woman and to avoid trial, so that he will not be indicted. I am urging that the testimony of this woman be taken, so that Jackson himself may be indicted for subornation of perjury. There is a long story in the case, and I can make it all clear to you. The suffering of the default by Dr. Behrman in the City Court a few months ago, which default was opened by me, is all consistent with Behrman's innocence, and the guilt of the other parties, when perfectly understood. Dr. Behrman charges the use of improper measures to injure him, and to save Koschnofski, and Jackson; and I think it is a case where you should go slow before being committed to views expressed by Mr. Green, counsel for Koschnofski. I am satisfied that there are circumstances in the case that will not bear the light of day. I am perfectly willing to go into the whole matter, and strike everybody that it hits. I will be engaged all day before the Police Board to-morrow. I think that you will need some affidavits to oppose Mr. Green's motion, and I will be glad to confer with you as soon as I am through with the engagements at Headquarters. Would it not be well to take an adjournment of the motion?

POOR QUALITY ORIGINAL

1274

BAILED, JUL 19 1893

No. 1, by Jos Friman

Residence 1507 1st Ave Street.

No. 2, by

Residence Street.

No. 3, by

Residence Street.

No. 4, by

Residence Street.

Police Court— 279 Division 1274

THE PEOPLE, &c.,

ON THE COMPLAINT OF

Charles Schlichter

vs.

Fanny Koschuofsky

Charge Receiving stolen goods

Offense

Dated, July 7th 189

Geo. Ferris Magistrate.

Officer Geo. Ferris Precinct.

Witnesses Meyer Katz

No. 204 Chrystie Street.

No. 701 Broome Street.

112 Division Street.

No. 909 Street.

$ no answer

Bail $1000 Cash

13 July 93

12.10 am

1000 Cash 8 P.M.

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named Fannie Koschuofsky *defendant* Fanny Koschuffsky *guilty thereof I order that he be held to answer the same, and he be admitted to bail in the sum of* Thousand *Hundred Dollars, and be committed to the Warden and Keeper of the City Prison of the City of New York, until he give such bail.*

Dated, July 13 189 3 *Police Justice.*

I have admitted the above-named ..... *to bail to answer by the undertaking hereto annexed.*

Dated, ... 189 ..... *Police Justice.*

There being no sufficient cause to believe the within named Meyer Jackson ..... *guilty of the offense within mentioned, I order him to be discharged.*

Dated, July 18 189 3 *Police Justice.*

FRANK MOSS,
Counsellor at Law,
BENNETT BUILDING,
95-99 Nassau St.

New York, Oct. 1. 1895.

Dear Col. Townsend

Permit me to remind you of the Kalsomine Jackson, Bohrman matter, in which action has been promised several times.

You will want Jackson first to run to Bohrman, by having Miss K. charge him with embezzling and bar on his refusal the [illegible] and indictment for perjury.

He is worth a great many times as much as Bohrman and the only way to make the case [illegible] is to go for him and make him pay up as he should do here.

I think it should be brought to Court, and [illegible]

FRANK MOSS,
Counsellor at Law,
BENNETT BUILDING,
93-99 Nassau St.

New York.

[illegible]

You have the papers, and much documentary proof, [illegible] your hands.

May I ask that the matter be taken up promptly?

Yours truly
Frank Moss
Per [illegible]

1277

TO THE CHIEF CLERK.

Please ~~send me the Papers in the Case of~~

PEOPLE

vs.

Fanny Koschinofsky

Please send on Calendar for Tuesday 11th Dec '95 and subpoena witnesses.

[illegible]
District Attorney.

Fol.1 CITY COURT OF NEW YORK.

FANNY KOSCHNOFSKY,
Plaintiff,

v.

MORRIS BEHRMAN,
Defendant.

The complaint of the plaintiff against the defendant, respectfully, shows:

FIRST: That on or about the 5th day of August, 1891, this plaintiff became acquanited with the above named defendant; that thereafter defendant visited plaintiff several times and paid marked attention to her; and that on or about the 3rd day of September, 1891, this defendant proposed marriage to this plaintiff, which proposition was favorably received by her.

SECOND: That thereafter and on or about the 10th day of September, 1891, defendant gave plaintiff a ring and told her that now they were mutually engaged to be married in about two months from the date of their engagement.

THIRD: That the plaintiff and defendant were continually in each others company; and defendant took her out to public places and homes of friends and always introduced her the plaintiff, as his intended wife and defendant was introduced by plaintiff as her intended husband, which introduction defendant always received and acknowledged.

FOURTH: That plaintiff relying on said promise of marriage made to her by defendant, expended time, labor, money in preparing for her said betrothal to defendant, and was ready and willing and able to be married to this defendant on the day hereinbefore set forth, but this defendant utter-

ly failed, neglected and refused to marry this plaintiff, and still refuses to do so, and offers no reason for so doing.

FIFTH: That during the month of October, 1891, on several occasions this plaintiff, at the ernest solicitation of defendant, and on his promise to marry her, had sexual intercourse with defendant.

SIXTH: That thereafter, the plaintiff, became pregnant and quick with child, as the result of such sexual intercourse with defendant, and during the month of July, 1892, gave birth to a child at the Maternity Hospital, New York City, which child died eleven days after its birth.

SEVENTH: That the plaintiff in consideration of said promise of marriage made to her by defendant, remained single and unmarried, and is still single and unmarried.

EIGHTH: That the plaintiff has always been ready to perform her part of the marriage contract hereinbefore described and is now able and willing to marry the defendant.

NINTH: That plaintiff has been disgraced and greatly injured both in body and mind, to her damage, owing to defendant's action.

TENTH: That in consideration of the premises plaintiff was damaged in the sum of Five Thousand Dollars.

WHEREFORE, plaintiff demands Judgment against the defendant for the sum of Five Thousand Dollars, besides the costs and disbursements of this action.

ISAAC M. AARON,
Plaintiff's Attorney,
1515 First Avenue, City.

(Verified.)

CITY COURT OF NEW YORK.

FANNY KOSCHNOFSKY, v. MORRIS BEHRMANN.	ANSWER.

The defendant answering the complaint herein:

I. Denies each and every allegation contained in said complaint.

WHEREFORE, the defendant demands judgment against the plaintiff that ~~the~~ said Complaint may be dismissed with costs.

A. & C. Steckler,
Attorneys for plaintiff,
Pulitzer Building,
New York City.

(Verified.)

SIR:

You will please take notice that the within is a true copy of an this day duly made and entered in this action and filed in the office of the Clerk of this Court.

Dated, N. Y., 189

Yours, &c.,

JOS. I. GREEN,

Att'y for

P. O. and Office Address, 280 Broadway, N. Y. City.

To

Esq.,

Att'y for

N.Y. City Court

Fanny Koschofsky Plaintiff

against

Morris Behrman

Defendant.

Copy Pleadings.

JOSEPH I. GREEN,

Attorney for Plff.

[Stewart Building.]

No. 280 BROADWAY,

New York City.

To

Attorney for

Due and timely service of a copy of the within is hereby admitted this day of 189

Attorney for

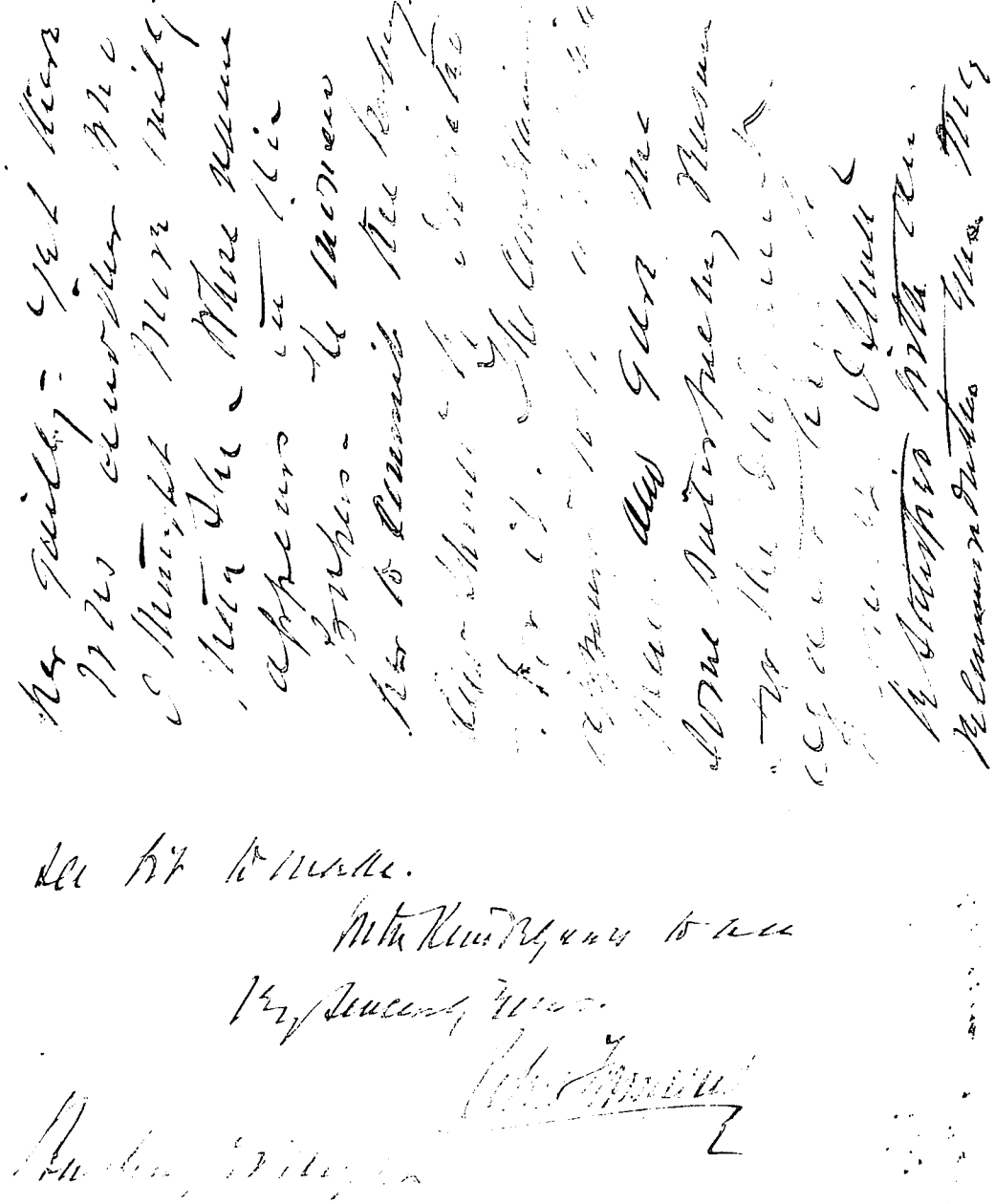
ON BOARD THE OUT-VIE.

May 24th '95

My Dear Surgeon:

Just a word in reference to the hydrotherapy case we had.

From the examination I made of the patient I am [illegible] clear that we had a [illegible] opinion. His mind [illegible]. Circumstances might have altered it since – Although I attempted



Vol.1 Court of General Sessions of the Peace

Of the City and County of New York.

----------x

The People, etc., :

---against--- :

Danny Koschnofsky. :

----------x

Sir:

You will please take notice that upon the Notice of Motion herein for a dismissal of the indictment herein with the papers therein and thereon already served, the undersigned will move this Court in part I thereof on the 17th.day of October,1916, at 11 O'clock in the forenoon of that day, for a dispersal of the said motion upon the papers already in the possession of the District Attorney of the County, and for such other and further order or relief as to the Court may seem just and proper.

Dated, New York, October 14th,1916.

Yours, &c.,

Joseph I. Green,

Attorney for Defendant.

Office & P.O. Address,#320 Broadway, N.Y.City.

To,

John F. Hylan, Esq.,

District Attorney,

New York County.

SIR:

You will please take notice that the within is a true copy of an this day duly made and entered in this action and filed in the office of the Clerk of this Court.

Dated, N. Y., 189

Yours, &c.,

JOS. I. GREEN,

Att'y for

P. O. and Office Address, 280 Broadway, N. Y. City.

To

Esq.,

Att'y for

N.Y. Court of General Sessions

The People etc.

C 116

Plaintiff

against

Fanny Kochnofsky

Defendant.

Copy

Notice of Motion

JOSEPH I. GREEN,

Attorney for

[Stewart Building.]

No. 280 BROADWAY,

New York City.

To John R. Fellows, Esq

District Attorney for

Due and timely service of a copy of the within is hereby admitted this day of 189

Attorney for

Ro.
vs.
Koschnofsky

Simon J. Kopelman a Commissioner of Deds - Recalls Mrs. Koschnofsky Complainant to Appear - and Explaining matter to her then the Witness signs the Complaint and the administers the oath - with up lifted hand No Bible used - I can identify the Defendant. Lawyer Isaac McCann - Was with me - at the time

Simon J Kopelman

May 18th 95.

Ro.
v.
Hochhoffer.

Property.

Stolmer -
Hopelmen
Commission of Deeds.
July 18th 95.

District Attorney's Office,
City & County of
New York.

December 10, 1895 189

Affidavit of Joseph I. Green, of Sept. 21, 1895, sworn to before E. VanDernoot, Commissioner of Deeds.

Affidavit of Moses J. Jackson, M. D., of Sept. 19th, 1895, sworn to before same person.

Affidavit of Isidor Goodman, of Sept. 19, 1895, sworn to before same person.

Affidavit of Carrie Jackson, of Sept. 19, 1895, sworn to before same person.

Notice of motion to dismiss indictment against Fanny Koschnofsky, dated July 1, 1895, by Joseph I. Green.

Affidavit of Fanny Silberman, formerly Fanny Koschnofsky, dated July 6, 1895, sworn to before H. T. Marston.

Affidavit of Joseph I. Green, dated July 16, 1895, sworn to before Philip J. Britt.

Affidavit of Rosa Cohn, of July 10, 1895, sworn to before August Mayer.

Affidavit of Philip Adlerof July 15, 1895, sworn to before S. I. Kopeland

District Attorney's Office,
City & County of
New York.

189

Letter dated July 8, 1893, authorizing Abraham Levy to appear for the District Attorney before the First District Police Court upon the examination of the charge of perjury and subornation of perjury against Fanny Koschnofsky and Meyer Jackson on complaint of Morris Behrman; bailbond of Meyer Jackson, taken by Justice Meade on the 10th day of July, 1893; warrant for arrest of Morris Behrman, dated July 7, 1893, signed by Justice Meade; affidavit of Morris Behrman, sworn to before Justice Meade on the 7th day of July, 1893; affidavit of William H. Katz, sworn to before Justice Meade on the 7th day of July, 1893; affidavit of Fanny Koschnofski, sworn to before Justice Meade on the 7th day of June, 1893; affidavit of William H. Katz, sworn to before Nicholas Aleinikoff, Notary Public, October 1, 1893; affidavit of Abraham S. Bienenstock, sworn to before the same notary on the 5th of October, 1893; statement in the Hebrew language, dated March 11, 1893, signed by Fanny Koschnofsky, and certificate of the same notary, Aleinikoff, of the 1st of October, 1893; certified copy of order of Judge McCarthy in the case of Koschnofsky against Berman, in the City Court, dated August 11, 1893, granting motion to vacate order of arrest; copy of an order of Judge Sedgwick, in the matter of the petition of Fanny Koschnofsky for the appointment of a guardian ad litem, and the petition accompanying that order; consent to become the guardian, signed by Benjamin Bannett, and acknowledged before the same notary, Aleinikoff, on the 27th of April, 1891; affidavit of Benjamin Bannett, on the 27th of April, 1891 (the foregoing papers in the matter of petition of Fanny Koschnofsky are all copies); copy of summons in the case of Koschnofsky against Behrman in the City Court, dated April 3, 1893; followed by copy of the papers in the police-court, 25 typewritten pages, including among them a copy of the indictment ~~against~~ of the People against Koschnofsky; the original summons and complaint and certificate of service of the order of arrest in the ~~City Court~~ suit in the City Court of Koschnofsky against Behrman; and the affidavits filed by Mr. Moss in opposition to the motion to dismiss the indictment; also pedigree of Fanny Koschnofsky, taken before Justice Meade July 7, 1893, in the First District Police-court.

Fol. 1.

City Court of New York.

Fanny Koschnofsky
Plaintiff
against
Morris Behrman
Defendant

City and County of New York ss:

Fanny Koschnofsky, being duly sworn deposes and says; that she resides at No. 65 Canal Street, New York City. That she is the plaintiff herein. That this action is brought to recover the sum of Five thousand Dollars, damages, sustained by deponent, from the defendant, on the ground of Breach of promise of marriage and seduction. That on or about the Fifth day of August 1891, deponent became acquainted with defendant, visited plaintiff several times, and paid marked attention to her thereafter, and that on or about the Third day of September 1891, defendant proposed marriage to deponent, which proposition was favorably received by deponent.

That thereafter and on or about the 10th day of September 1891, deponent

gave deponent a ring, and told her that now they were mutually engaged to be married, in about two months from the date of their engagement.

That deponent and defendant were continually in each others company, and defendant took deponent to public places, and the homes of friends, and always introduced deponent, as his intended wife, and deponent introduced defendant, as her intended husband, which introductions defendant always received and acknowledged.

That plaintiff relying on said promise of marriage, made to her by defendant, expended time, labor and money, in preparing for her said bethroal to defendant; and was ready, willing and able to be married to this defendant, on the day as agreed upon; but defendant utterly failed, neglected and refused to marry deponent, and still refuses so to do.

That during the month of October 1891, on several occassions, this plaintiff at the earnest solicitations of defendant, and on his promise to marry her, had sexual intercourse with defendant

That thereafter deponent became pregnant and quick with child, as the result of such sexual intercourse with defendant, and during the month of July 1894, gave birth to a child, at the maternity hospital, New York city, which child died eleven days after its birth.

That deponent in consideration of said promise of marriage, made to her by defendant, remained single and unmarried, and is still single and unmarried. Deponent has always been ready to perform her part of the marriage contract, and is now able, ready and willing to marry defendant.

That by reason of the premises, deponent has been disgraced, and greatly injured both in body and mind, to her damage, [illegible] defendant [illegible]

Defendant has told me, that if I ever makes any trouble for him, he will fix me, and that I will never get anything from him, as he will leave the city

Deponent verily believes, that unless the defendant is arrested, and held in bail, he will flee the jurisdiction of this Court

Sworn to before me this
3rd day of [illegible]

Fanny Koschnofsky

Simon I. Kopelman
Com. of Deds, N.Y. Co.

1294

HIS LOVE GOT COLD.

World, Dec. 10, 1895

Dr. Behnman Denies Promising to Wed Mrs. Silverman.

She Swears He Did and Wants a $5,000 Heart-Balm.

Several Witnesses Swear to Her Bad Character When She First Met the Physician.

The suit of Mrs. Fannie Silverman against Dr. Morris Behrman, to recover $5,000 for breach of promise of marriage, was resumed before Judge Conlan, in Part I. of the City Court, this morning.

Mrs. Silverman alleges that she met Dr. Behrman, who is a prominent eastside practitioner, in August, 1891, when she was single; that the acquaintance ripened into love, at least upon her part, and that in September, five weeks later, Dr. Behrman asked her to marry him, and she consented.

In July, 1892, she gave birth to a child which lived only eleven days, she said. The laison, she swore, was kept up for months, when Dr. Behrman suddenly deserted her, refusing to keep his promise to marry her and save her from disgrace. The latter part of 1892 she brought the present suit, which was adjourned at the instance of one or the other party until yesterday, when it was called for trial.

The case has been replete with criminations, recriminations and complications from the beginning.

The plaintiff is a pretty brunette and dresses stylishly. About eighteen months ago she was married to Thomas Silverman, a clerk in the Canal street bank.

Lawyer Frank Moss, of the Parkhurst Society, is counsel for Dr. Behrman, and Joseph I. Green and Isaac M. Aron appear for the plaintiff.

During the proceedings yesterday Mr. Green told Judge Conlan that the defendant had threatened to shoot him and that he feared for his safety. Judge Conlan, at the request of Mr. Green, detailed a court officer to watch the defendant and see that he did not attempt any act of violence.

Charles Dunieff, a cigar manufacturer, now residing in Brooklyn, was today called by the defense. He said that he worked with the plaintiff in 1890 and 1891, and knew she bore a bad character.

Nicholas Aleinikoff, a lawyer, with an office in East Broadway, identified Mrs. Silverman as the person who early in 1891 retained him to bring an action against one Marcus Nathan, her employer, for breach of promise.

David Waldman, an auctioneer, of 717 Fifth street, testified that he knew the defendant to be of bad character in 1891. He said he saw her sig nthe affidavit accusing Nathan.

Dr. David Epstein, of 207 Madison street, also testified that he knew the plaintiff was of bad character.

Dr. Behrman, the defendant, testified to his acquaintance with the plaintiff in 1891. He denied that he had ever made her a promise of marriage.

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COURT OF GENERAL SESSIONS OF THE PEACE,

Of the City and County of New York .

----------X

The People of the State of New York

Against

Fanny Koschnofsky

----------X

THE GRAND JURY OF THE CITY AND COUNTY OF NEW YORK, by this indictment accuse Fanny Koschnofsky of the crime of Perjury, committed as follows:

The said Fanny Koschnofsky, late of the City of New York in the County of New York aforesaid, on the third day of April in the year of our Lord one thousand eight hundred and ninety-three, at the City and County aforesaid, did personally go and appear before one Simon I. Kopelman, then being one of the Commissioners of Deeds in and for the said City and County of New York, and did then and there produce and exhibit to the said Simon I. Kopelman, such Commissioner of Deeds as aforesaid, the complaint in writing of her the said Fanny Koschnofsky in and for the purposes of a certain action for damages for a breach of contract to marry, then about to be commenced by her as plaintiff, in the City Court of the City of New York, against one Morris Behrman, defendant, ~~the same being then and there duly signed and subscribed by her the said Fanny Koschnofsky in her own~~

~~proper hand-writing.~~

And the said Fanny Koschnofsky was then and there in due form of law sworn and did take her corporal oath by and before the said Simon I. Kopelman, such Commissioner of Deeds as aforesaid, concerning the truth of the matters contained in the said complaint in writing, he the said Simon I. Kopelman as such Commissioner of Deeds as aforesaid, then and there having full and competent power and authority to administer the said oath to her the said Fanny Koschnofsky in that behalf.

And the said Fanny Koschnofsky being so sworn as aforesaid, then and there upon her oath aforesaid, before the said Simon I. Kopelman such Commissioner of Deeds as aforesaid, feloniously, wilfully, knowingly and corruptly, in and by her said complaint in writing, did falsely swear, depose and say amongst other things in substance and to the effect following, that is to say:

That on or about the fifth day of August 1891, she the said Fanny Koschnofsky became acquainted with the said Morris Behrman, and that thereafter he the said Morris Behrman visited her several times and paid marked attention to her, and that on or about the third day of September 1891, the said Morris Behrman proposed marriage to her, which proposition was favorably received by her; that thereafter and on or about the tenth day of September 1891, the said Morris Behrman gave her a ring and told her that now they were mutually engaged to be married in about two months from the date of their en-

gagement;that she the said Fanny Koschnofsky and the said Morris Behrman were continuously in each other's company,and that the said Morris Behrman took her out to public places and the homes of friends and always introduced her as his intended wife,and that the said Morris Behrman was introduced by her as her intended husband,which introductions he the said Morris Behrman always received and acknowledged;that relying on the said promise of marriage made to her by the said Morris Behrman she expended time,labor and money in preparing for her said bethrothal to the said Morris Mehrman and was ready and willing and able to be married to him on the day above set forth,but that the said Morris Behrman utterly failed,neglected and refused to marry her and then still refused to do so,and offered no reason for so doing; that during the month of October 1891,on several occasions she the said Fanny Koschnofsky,at the earnest solicitations of the said Morris Behrman and on his promise to marry her had sexual intercourse with him; that thereafter she became pregnant and quick with child as a result of such sexual intercourse with him,and during the month of July 1892 gave birth to a child at the Maternity Hospital,New York City,which child died eleven days after its birth;that she had been disgraced and greatly injured both in body and mind to her damage owing to the said Morris Behrman's actions,and had thereby sustained damage to the amount of the value of five thousand dollars.

Whereas, in truth and in fact the said Morris Behrman did not after the fifth day of August 1891, visit her the said Fanny Koschnofsky several times, and did not pay her marked attention, and did not on or about the third day of September 1891 propose marriage to her, and no such proposition was then or at any time favorably received by her; and the said Morris Behrman did not on or about the tenth day of September 1891, give her the said Fanny Koschnofsky a ring, and did not tell her that now they were mutually engaged to be married in about two months from the date of their engagement; and the said Fanny Koschnofsky and Morris Behrman were not continuously in each other's company, and the said Morris Behrman did not take her out to public places or to the homes of friends, and did not always nor at any time introduce her as his intended wife, and the said Morris Behrman was not introduced by her the said Fanny Koschnofsky as her intended husband, and no such introductions were ever received or acknowledged by him; and the said Fanny Koschnofsky did not, relying upon such promise of marriage, expend time, labor or money in preparing for her betrothal to the said Morris Behrman; and the said Fanny Koschnofsky did not, during the month of October 1891, on several occasions or at any time at the earnest solicitations of the said Morris Behrman or on his promise to marry her, have sexual intercourse with him the said Morris Behrman; and the said Fanny Koschnofsky did not thereafter as the result of any such

sexual intercourse with the said Morris Behrman, become pregnant and quick with child during the month of July 1892, give birth to a child at the Maternity Hospital New York City; and the said Fanny Koschnofsky had not been disgraced and greatly injured both in body and mind to her damage owing to the said Morris Behrman's actions, and had not thereby sustained any damage whatever : all of which she the said Fanny Koschnofsky then and there well knew.

And afterwards, to wit: on the said third day of April in the year of our Lord one thousand eight hundred and ninety-three, at the City and County aforesaid, the said Fanny Koschnofsky delivered the said complaint in writing so sworn to by her as aforesaid, to some person to the Grand Jury aforesaid as yet unknown, with intent that it be uttered and published as true; and on the twenty-fifth day of April in the year aforesaid, at the City and County aforesaid, a copy thereof, together with a copy of a summons in the said action, summoning the said Morris Behrman to answer the said complaint, and to serve a copy of his answer on Isaac M. Aron, attorney for the said Fanny Koschnofsky, within six days after the service of the said summons exclusive of the day of service, was duly served upon the said Morris Behrman.

And so the Grand Jury aforesaid do say that the said Fanny Koschnofsky in manner and form aforesaid, feloniously, wilfully, knowingly, corruptly and falsely did commit wilful and corrupt perjury; against the form

of the statute in such case made and provided, and against the peace of the People of the State of New York, and their dignity.

DE LANCEY NICOLL,

District Attorney.